

FEDERAL REGISTER

VOLUME 12

1934

NUMBER 146

Washington, Saturday, July 26, 1947

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9876

AUTHORIZING THE PHILIPPINE ALIEN PROPERTY ADMINISTRATOR TO PERFORM CERTAIN FUNCTIONS OF THE PRESIDENT WITH RESPECT TO ALIEN PROPERTY LOCATED IN THE PHILIPPINES

By virtue of the authority vested in me by section 101 (b) of Reorganization Plan No. 1 of 1947, the Philippine Alien Property Administrator (provided for in Executive Order No. 9818 of January 7, 1947) is hereby authorized and directed to perform, subject to the direction and control of the President, all of the functions transferred to the President by the said section 101 (b) of Reorganization Plan No. 1 of 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 24, 1947.

[F. R. Doc. 47-7094; Filed, July 25, 1947;
10:22 a. m.]

REORGANIZATION PLAN 3 OF 1947

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 27, 1947, pursuant to the provisions of the Reorganization Act of 1945, approved December 20, 1945.¹

HOUSING AND HOME FINANCE AGENCY

SECTION 1. *Housing and Home Finance Agency.* The Home Owners' Loan Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Housing Administration, the United States Housing Authority, the Defense Homes Corporation, and the United States Housing Corporation, together with their respective functions, the functions of the Federal Home Loan Bank Board, and the other functions transferred by this plan, are consolidated, subject to the provisions of sections 2 to 5, inclusive, hereof, into an agency which shall be known as the Housing and Home Finance Agency. There shall be in said

Agency constituent agencies which shall be known as the Home Loan Bank Board, the Federal Housing Administration, and the Public Housing Administration.

SEC. 2. *Home Loan Bank Board.* (a) The Home Loan Bank Board shall consist of three members appointed by the President by and with the advice and consent of the Senate. Not more than two members of the Board shall be members of the same political party. The President shall designate the members of the Board first appointed hereunder to serve for terms expiring, respectively, at the close of business on June 30, 1949, June 30, 1950, and June 30, 1951, and thereafter the term of each member shall be four years. Whenever a vacancy shall occur among the members the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the member whose place he is selected to fill. Each of the members of the Board shall receive compensation at the rate of \$10,000 per annum.

(b) The President shall designate one of the members of the Home Loan Bank Board as Chairman of the Board. The Chairman shall (1) be the chief executive officer of the Board, (2) appoint and direct the personnel necessary for the performance of the functions of the Board or of the Chairman or of any agency under the Board, and (3) designate the order in which the other members of the Board shall, during the absence or disability of the Chairman, be Acting Chairman and perform the duties of the Chairman.

(c) Except as otherwise provided in subsection (b) of this section there are transferred to the Home Loan Bank Board the functions (1) of the Federal Home Loan Bank Board, (2) of the Board of Directors of the Home Owners' Loan Corporation, (3) of the Board of Trustees of the Federal Savings and Loan Insurance Corporation, (4) of any member or members of any of said Boards, and (5) with respect to the dissolution of the United States Housing Corporation.

SEC. 3. *Federal Housing Administration.* The Federal Housing Administration shall be headed by a Federal Housing Commissioner who shall be appointed by the President, by and with the advice and consent of the Senate, and receive

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¹ Effective July 27, 1947, under the provisions of sec. 6 of the act; published pursuant to sec. 11 of the act (59 Stat. 613; 5 U. S. C. 1337 to 1337-16).



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compensation at the rate of \$10,000 per annum. There are transferred to said Commissioner the functions of the Federal Housing Administrator.

SEC. 4. Public Housing Administration. The Public Housing Administration shall be headed by a Public Housing Commissioner who shall be appointed by the President, by and with the advice and consent of the Senate, and receive compensation at the rate of \$10,000 per annum. There are transferred to said Commissioner the functions—

(a) Of the Administrator of the United States Housing Authority (which agency shall hereafter be administered and known as the Public Housing Administration);

(b) Of the National Housing Agency with respect to non-farm housing projects and other properties remaining under its jurisdiction pursuant to section 2 (a) (3) of the Farmers' Home Administration Act of 1946 (Public Law 731, Seventy-ninth Congress, approved August 14, 1946); and

(c) With respect to the liquidation and dissolution of the Defense Homes Corporation.

SEC. 5. Housing and Home Finance Administrator. (a) The Housing and Home Finance Agency shall be headed by a Housing and Home Finance Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$10,000 per annum.

(b) The Administrator shall be responsible for the general supervision and coordination of the functions of the constituent agencies of the Housing and Home Finance Agency and for such purpose there are transferred to said Administrator the functions of the Federal Loan Administrator and the Federal Works Administrator (1) with respect to the Federal Home Loan Bank Board, the Home Owners' Loan Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Housing Administration, and the United States Housing Authority, and (2) with respect to the functions of said agencies.

(c) There are also transferred to the Administrator the functions—

(1) Of holding on behalf of the United States the capital stock of the Defense Homes Corporation;

(2) Under Titles I and III, and sections 401, 501, and 502, of the Act of October 14, 1940 (54 Stat. 1125), as amended;

(3) Of the War and Navy Departments with respect to national defense and war housing (except that located on military or naval posts, reservations, or bases) under the Act of September 9, 1940 (54 Stat. 872), as amended; and

(4) Of all agencies designated to provide temporary shelter in defense areas under the Acts of March 1, 1941, May 24, 1941, and December 17, 1941 (55 Stat. 14, 197, and 810), insofar as such functions relate to such temporary shelter.

SEC. 6. National Housing Council. There shall be in the Housing and Home Finance Agency a National Housing Council composed of the Housing and Home Finance Administrator as Chairman, the Federal Housing Commissioner, the Public Housing Commissioner, the Chairman of the Home Loan Bank Board, the Administrator of Veterans Affairs or his designee, the Chairman of the Board of Directors of the Reconstruction Finance Corporation or his designee, and the Secretary of Agriculture or his designee. The National Housing Council shall serve as a medium for promoting, to the fullest extent practicable within revenues, the most effective use of the housing functions and activities administered within the Housing and Home Finance Agency and the other departments and agencies represented on said Council in the furtherance of the housing policies and objectives established by law, for facilitating consistency between such housing functions and activities and the general economic and fiscal policies of the Government, and for avoiding duplication or overlapping of such housing functions and activities.

SEC. 7. Interim appointments. Pending the initial appointment hereunder of any officer provided for by this Plan, the functions of such officer shall be performed temporarily by such officer of the existing National Housing Agency as the President shall designate.

SEC. 8. Transfers of property, personnel, and funds. The assets, contracts, property, records, personnel, and unexpended balances of appropriations, authorizations, allocations, or other funds, held, employed, or available or to be made available in connection with functions transferred by this Plan are hereby transferred with such transferred functions, respectively.

SEC. 9. Abolitions. The Federal Home Loan Bank Board, the Board of Directors of the Home Owners' Loan Corporation, and the Board of Trustees of the Federal Savings and Loan Insurance Corporation, together with the offices of the members of said boards, the office of Federal Housing Administrator, and the office of Administrator of the United States Housing Authority, are abolished.

[F. R. Doc. 47-7067; Filed, July 25, 1947; 8:59 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL**Chapter I—Civil Service Commission**

PART 33—CLAIMS AND APPEALS OF VETERANS; RECOGNITION OF REPRESENTATIVES¹

APPEARANCE: RECOGNITION OF SERVICE ORGANIZATIONS

Sections 33.1 and 33.3 are amended to read as follows:

§ 33.1 Appearance. Any veteran who has filed with the Commission a claim or an appeal under section 12 or section 14 of the Veterans' Preference Act of 1944 may appear in any proceeding in connection therewith either personally or by a representative. Such representative may be any person designated by the veteran, such person being hereinafter referred to as agent; or a service organization designated by him and approved by the Commission.

§ 33.3 Recognition of service organizations. Any service organization approved by the Commission may be recognized in the presentation of claims or appeals under section 12 or section 14 of the Veterans' Preference Act of 1944 when the proper officers thereof make application for recognition, and as a part of such application agree and certify that neither the organization nor its representatives will charge claimants or appellants any fee or compensation whatsoever for their services, except expenses actually incurred with the consent of the claimant.

In requesting recognition, the following information must be supplied:

(a) Statement outlining the purpose of the organization and need thereof, and manner in which the veteran will be benefited by such recognition.

(b) Names, titles, and addresses of officers.

(c) Number of posts or chapters, and States in which located.

(d) Names, titles, and addresses of full-time paid employees who are qualified to act as accredited representatives.

(e) Copy of constitution or charter and by-laws of the organization.

(Sec. 11, 58 Stat. 390; 5 U. S. C. Sup. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 47-7025; Filed, July 25, 1947;
8:47 a. m.]

TITLE 7—AGRICULTURE**Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)**

PART 904—MILK IN GREATER BOSTON, MASS., MARKETING AREA

Sec.

904.100 Findings and determinations.

904.101 Scope.

¹ CSC Forms 306 and 307 are filed with the Division of the Federal Register.

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 904.102 Application of definition of producer handler and of segregated dairy farmer.
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 904.107 Prescribed detail for reports of receipts and disposition.
 904.108 Averaging of producers' semi-monthly butterfat tests.
 904.109 Deductions from payments to producers.
 904.110 Weights of fluid milk products.

AUTHORITY: §§ 904.100 to 904.110, inclusive, issued under 49 Stat. 753 as amended; 7 U. S. C. 601 et seq.

§ 904.100 Findings and determinations. Pursuant to the provisions of Order No. 4 as amended (8 F. R. 3109, 8294; 9 F. R. 4972; 11 F. R. 5897, 10693, 14093), and of the Administrative Procedure Act (60 Stat. 237), a public meeting was held at Boston, Massachusetts, on July 15, 1947, to consider proposed amended rules and regulations to supersede the rules and regulations¹ issued by the market administrator to effectuate the terms and provisions of said order. The data, views, and arguments presented at this meeting and all written material received prior to July 19, 1947, have been considered and it is hereby found and determined that the following rules and regulations are necessary to effectuate the terms and provisions of Order No. 4, as amended, issued by the Secretary on July 21, 1947, and made effective August 1, 1947.

It is further found and determined that to defer the effective date of the said rules and regulations to a date thirty days or more after publication in the **FEDERAL REGISTER** would be impractical, unnecessary, and contrary to the public interest because said rules and regulations are being issued to effectuate the terms and provisions of Order No. 4 as it has been most recently amended and the effective date of the rules and regulations should be the same as the effective date of said amended order.

§ 904.101 Scope. The rules and regulations in §§ 904.101 to 904.110, inclusive, are made by the market administrator pursuant to § 904.2 (c) (2) of "Order No. 4, as Amended, Issued by the Secretary of Agriculture, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", hereinafter referred to as "the order".

§ 904.102 Application of definition of producer-handler and of segregated dairy farmer—(a) Receipts from producer-handlers. (1) Milk received in packaged form from a producer-handler shall be considered as a receipt from a handler.

(2) Milk received from a producer-handler for the purpose of being processed or packaged for him shall be considered as a receipt from a handler. However, any excess of receipts in bulk from a producer-handler over the quantity of processed or packaged milk re-

turned to him during the month shall be considered as a receipt from a dairy farmer.

(b) *Receipts from segregated dairy farmers.* Milk received from dairy farmers and handled in conformity with subparagraphs (1) and (2) of this paragraph shall be considered as receipts from segregated dairy farmers. The burden of proof rests on the handler who receives the milk from dairy farmers to establish such handling.

(1) In the process of being received at the handler's plant, the milk was kept entirely separate from the milk of producers and from any other fluid milk products shipped to or disposed of in the marketing area.

(2) The milk was not shipped to or disposed of in the marketing area in any form of fluid milk products, and was not intermingled with any other fluid milk products shipped to or disposed of in the marketing area.

§ 904.103 Classification of milk and other fluid milk products—(a) Application of this section. The provisions of this section shall apply only to fluid milk products which are not required to be classified as Class I milk pursuant to § 904.3 (c) (2) and (3) of the order.

(b) *Fluid milk products disposed of to consumers.* Fluid milk products disposed of by a handler or dealer to consumers shall be classified as follows:

(1) Milk, flavored milk, cultured or flavored skim milk, and buttermilk shall be classified as Class I milk, except as provided in subparagraphs (3) and (4) of this paragraph.

(2) Cream and skim milk shall be classified as Class II milk.

(3) Sour milk and milk otherwise unsuitable for human consumption as milk, which is disposed of to a livestock farmer and used by him for animal feed, shall be classified as Class II milk.

(4) Flavored milk, cultured or flavored skim milk, and buttermilk, which is disposed of to a livestock farmer and used by him for animal feed, shall be classified as Class II milk.

(c) *Fluid milk products manufactured into other milk products.* Fluid milk products manufactured by a handler or dealer into other milk products shall be classified as Class II milk, unless the resulting milk product is subsequently reconverted into fluid milk products for which Class II utilization is not established. Specifically, the following shall be considered to be milk products:

Acidophilus Milk.
 Butter.
 Buttermilk Powder.
 Casein.
 Cheese and Cheese Paste.
 Condensed Milk.
 Condensed Skim Milk.
 Eggnog (unless found to be flavored milk).
 Evaporated Milk.
 Evaporated Skim Milk.
 Ice Cream, Ice Cream Mix, and Similar Frozen Desserts.
 Milk Powder.
 Nonfat Dry Milk Solids (skim powder).
 Whey and Whey Products.
 Yarhout (Bulgarian milk).

(d) *Miscellaneous uses.* Fluid milk products used or disposed of by a han-

dler or dealer in accordance with this paragraph shall be classified as follows:

(1) Milk dumped or discarded shall be classified as Class I milk, unless established as sour milk or milk otherwise unsuitable for human consumption as milk.

(2) Fluid milk products dumped or discarded, except milk suitable for human consumption as milk, shall be classified as Class II milk.

(3) Fluid milk products destroyed or spilled under extraordinary circumstances shall be classified as Class II milk.

(4) Plant shrinkage in excess of 2 percent of the volume of fluid milk products handled shall be classified as Class I milk.

(e) *Inventories.* Fluid milk products on hand at any plant at the close of the month may be classified tentatively as Class II milk, subject to final classification in the following month.

§ 904.104 Plant shrinkage—(a) Application of this section. The provisions of this section shall apply in determining the quantity of plant shrinkage to be classified as Class II milk pursuant to § 904.3 (a) (2) (ii) of the order.

(b) *Requirement to establish plant shrinkage.* (1) Plant shrinkage may be considered as established only if both the volume of fluid milk products handled during the month and the total of specific uses of fluid milk products during the month are established.

(2) If plant shrinkage is not established, the total quantity of fluid milk products not specifically accounted for shall be classified as Class I milk.

(c) *Computation of volume handled and of total of specific uses.* (1) The volume of fluid milk products handled by a handler during the month shall consist of the total receipts of fluid milk products at the handler's regulated plants, plus the opening inventory, and minus the closing inventory, at such plants. In computing the volume handled, receipts from segregated dairy farmers shall not be included.

(2) Each handler's total of specific uses of fluid milk products during the month shall consist of the total quantity of fluid milk products the specific disposition of which is established at the handler's regulated plants, minus the quantity of syrup or other flavoring material disposed of in flavored milk or flavored skim milk. Receipts from segregated dairy farmers shall not be included in such total.

(d) *Determination and classification of plant shrinkage.* (1) Plant shrinkage shall be determined by deducting the total of specific uses from the volume handled. The remainder, if it can reasonably be considered to represent the loss or shrinkage in fluid milk products normally incurred by the handler in the receiving, processing, packaging, and distribution of the milk and milk products handled by him, shall be considered his plant shrinkage.

(2) The classification of plant shrinkage shall be determined by computing 2 percent of the volume handled, and comparing the result with the plant shrinkage. Plant shrinkage not in excess of

¹ These rules and regulations were not filed with the Division of the Federal Register.

such result shall be classified as Class II milk. Plant shrinkage in excess of such result shall be classified as Class I milk.

§ 904.105 Butterfat subject to the butter and cheese adjustment—(a) Application of this section. The provisions of this section shall apply in determining the quality of butterfat subject to the butter and cheese adjustment provided in § 904.7 (d) of the order. As used in this section, the term "Cheddar-type cheese" shall mean Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese; and the term "salted butter" shall mean butter which contains not less than 1.5 percent of salt by weight. The definitions and standards of identity issued by the Food and Drug Administration of the United States Department of Agriculture, insofar as they are applicable, shall govern in determining whether cheese is Cheddar-type cheese.

(b) General provisions for determining quantity subject to the adjustment. (1) The butter and cheese adjustment shall not apply to the butterfat in receipts of milk from dairy farmers who are not producers, receipts of butterfat in farm-separated cream, and receipts of butterfat in other fluid milk products derived from nonpool milk, regardless of the form in which the butterfat is received or used at any plant.

(2) The butter and cheese adjustment shall not apply to butterfat processed into salted butter or Cheddar-type cheese at any plant other than a plant of the first handler of the butterfat or of a second person to which the butterfat is moved.

(3) In general, the butter and cheese adjustment shall apply only to butterfat processed into salted butter or Cheddar-type cheese during any of the months of April through July. In the case of movements of butterfat to the plant of a second person, however, the date of shipment to such person, rather than the date of processing shall govern. Accordingly, the adjustment shall not apply to butterfat shipped to a second person during March, but shall apply to butterfat so shipped during July if the butterfat is otherwise eligible for the adjustment.

(4) The butter and cheese adjustment shall not apply to butterfat which is disposed of by the first handler or the second person in a form other than salted butter or Cheddar-type cheese after being processed into those products. However, if the salted butter or Cheddar-type cheese is held in inventory by the first handler or the second person at the close of any month, the butterfat in such butter or cheese may be tentatively considered as eligible for the adjustment, subject to proof of the form in which the butterfat was subsequently disposed of by the first handler or the second person.

(5) The butter and cheese adjustment may apply to the butterfat in route returns which is processed into salted butter or Cheddar-type cheese, except as provided in subparagraph (1) of this paragraph.

(c) Assignment of identified butterfat to source. When the source of butterfat processed into salted butter or Cheddar-

type cheese at any plant is established by the processor's records, the butterfat shall be assigned to that source.

(d) Assignment of unidentified butterfat to source. When the source of butterfat processed into salted butter or Cheddar-type cheese at any plant is not established by the processor's records, the butterfat so used shall be assigned in the following manner:

(1) Butterfat processed into salted butter shall first be assigned to the butterfat in receipts of farm-separated cream at the plant, unless the records establish other uses of the cream.

(2) Butterfat processed into salted butter or Cheddar-type cheese at a plant at which the receipts of butterfat in fluid milk products are derived partly from pool milk and partly from nonpool milk shall be assigned proportionately to butterfat derived from pool milk and from nonpool milk, except as provided in subparagraph (1) of this paragraph.

(3) After butterfat processed into salted butter or Cheddar-type cheese has been assigned to butterfat derived from nonpool milk as provided in subparagraphs (1) and (2) of this paragraph, any remaining quantity of butterfat so processed shall first be assigned to the processing handler's receipts from producers, and then to his receipts from other handlers.

(4) Butterfat shipped to the plant of another person for processing into salted butter or Cheddar-type cheese shall be assigned to the butterfat in the shipping plant's receipts from pool sources and from nonpool sources in the manner set forth in subparagraph (2) of this paragraph. The butterfat assigned to pool sources shall be considered eligible for the butter and cheese adjustment, but not in excess of the quantity of butterfat available at the shipping plant from the handler's receipts from producers.

§ 904.106 Due dates for reports of receipts and disposition—(a) Application of this section. The provisions of this section shall apply with respect to the due dates for the filing of reports by nonpool handlers relating to their total receipts and utilization of fluid milk products, and to the filing of reports by all handlers relating to their purchases of outside cream, pursuant to paragraphs (a) and (b) of § 904.6 of the order.

(b) Reports of buyer-handlers and producer-handlers. (1) Each buyer-handler and producer-handler whose daily average disposition of milk during the month is at least 300 quarts per day shall report on or before the 8th day after the end of the month.

(2) Except as provided in subparagraph (3) of this paragraph, each buyer-handler or producer-handler whose daily average disposition of milk during each month is less than 300 quarts per day shall report semiannually. The handler shall report on or before July 8 with respect to his receipts and disposition of fluid milk products in the preceding six months' period ended June 30, and shall report on or before January 8 for the preceding six months' period ended December 31.

(3) Any buyer-handler or producer-handler whose daily average disposition

of milk is less than 300 quarts per day but who receives outside milk during any month shall report within 8 days after the end of such month, and shall thereafter file separate reports for each subsequent month of the semiannual period involved. Separate reports for each prior month of the semiannual period shall be due on the same date as the report for the month in which the outside milk is received.

(c) Reports of handlers who operate unregulated distributing plants. Each handler who operates an unregulated distributing plant during the month shall report within 8 days after the end of such month.

(d) Reports of subhandlers. Each nonpool handler who disposes of Class I milk directly to consumers in the marketing area, but who does not operate a plant, shall report at the same time as buyer-handler or producer-handler is required to report.

(e) Reports of handlers who purchase outside cream. Each handler who purchases bottling quality cream from nonpool handlers shall report on the 16th day of each month with respect to his purchases of such cream in the preceding 15 days, and shall report on the first day of the following month with respect to his purchases of such cream from the 16th day to the last day of the previous month.

§ 904.107 Prescribed detail for reports of receipts and disposition—(a) Application of this section. The provisions of this section shall apply with respect to the detail and form for the filing of reports by all handlers relating to their total receipts and utilization of fluid milk products, pursuant to paragraphs (a) and (b) of § 904.6 of the order.

(b) Requirements applicable to pool handlers. Each pool handler shall report the following information:

(1) The respective quantities of milk received at each plant from producers whose farms are located not more than 40 miles, more than 40 miles but not more than 80 miles, and more than 80 miles from the State House in Boston; and the number of producers in each group;

(2) The total receipts at each plant, other than the plant of a qualified operating association, from producers who are members of each cooperative association qualified pursuant to § 904.10 of the order and from producers who are non-members; and the number of producers in each group;

(3) The shipments of fluid milk products from each country pool plant;

(4) The information necessary to calculate the amount of the butter and cheese adjustment provided for in § 904.7 (d) of the order; and

(5) The total receipts at each pool plant from segregated dairy farmers and the use classification of such receipts pursuant to § 904.3 of the order.

(c) Requirements applicable to nonpool handlers. Each nonpool handler shall report the following information:

(1) The receipts of fluid milk products at each plant from other handlers and dealers;

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TABLE OF STANDARD WEIGHTS

Product	Butterfat test	Weight (lbs.)	
		Per quart container	Per 40-quart container
Milk and flavored milk	Percent (%)	2.15	85.0
Skim milk, flavored skim milk, buttermilk, and cultured skim milk	(1)	2.16	86.0
Cream	16	2.136	85.42
	17	2.134	85.34
	18	2.132	85.26
	19	2.130	85.18
	20	2.128	85.10
	21	2.126	85.02
	22	2.124	84.94
	23	2.122	84.86
	24	2.120	84.78
	25	2.118	84.70
	26	2.116	84.62
	27	2.113	84.52
	28	2.111	84.42
	29	2.109	84.36
	30	2.108	84.30
	31	2.106	84.24
	32	2.105	84.18
	33	2.103	84.12
	34	2.102	84.06
	35	2.100	84.00
	36	2.099	83.94
	37	2.097	83.88
	38	2.096	83.82
	39	2.094	83.76
	40	2.093	83.70
	41	2.091	83.64
	42	2.090	83.58
	43	2.088	83.52
	44	2.087	83.46
	45	2.085	83.40
	46	2.084	83.34
	47	2.082	83.28
	48	2.081	83.22
	49	2.079	83.16
	50	2.078	83.10

¹ Any test.

Issued at Boston, Massachusetts, this 22d day of July 1947, to be effective on and after the first day of August 1947.

[SEAL]

RICHARD D. APLIN,
Acting Market Administrator.

[F. R. Doc. 47-7043; Filed, July 25, 1947;
9:03 a. m.]

PART 947—MILK IN FALL RIVER, MASS., MARKETING AREA

ORDER, AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK

Sec.

- 947.0 Findings and determinations.
- 947.1 Definitions.
- 947.2 Market administrator.
- 947.3 Reports of handlers.
- 947.4 Applications of provisions.
- 947.5 Classification of milk.
- 947.6 Minimum prices.
- 947.7 Determination of uniform prices to producers.
- 947.8 Payments for milk.
- 947.9 Marketing service deductions.
- 947.10 Expense of administration.
- 947.11 Effective time, suspension, or termination of order.
- 947.12 Agents.
- 947.13 Marketing committee.
- 947.14 Emergency price provision.

AUTHORITY: §§ 947.0 to 947.14, inclusive, issued under 48 Stat. 81, 670, 675, 49 Stat. 750, 50 Stat. 246; 7 U. S. C. 601 et seq., sec. 102, Reorg. Plan 1 of 1947; 12 F. R. 4534.

§ 947.0 Findings and determinations—

(a) *Finding upon the basis of the hearing record.* Pursuant to Public Act. No. 10, 73d Cong. (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq. 11 F. R. 7737, 12 F. R. 1159), public hearings were held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area; and the decision (12 F. R. 4756) was made with respect to amendments by the Secretary on July 11, 1947. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest, and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary to make effective promptly the present amendments to the said order, as amended, to reflect current marketing conditions and to give producers immediately some assurance of a substantial seasonal increase in prices as an incentive to a needed increase in milk production during the fall and winter months of 1947-48. Any delay in the effective date of this order, as amended, and as hereby further amended, will seriously threaten the supply of milk for the Fall River, Massachusetts, marketing area and, therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this

order for 30 days after its publication (Sec. 4 (c), Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by this order, as amended, and as hereby further amended, which is marketed within the Fall River, Massachusetts, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this amended order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area;

(3) The issuance of this amended order is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1947), were engaged in the production of milk for sale in the said marketing area; and

(4) The adoption of the provision which provides for the payment to all producers and cooperative associations delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who, during a representative period (June 1947), were engaged in the production of milk for sale in the said marketing area.

It is therefore ordered. That on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

§ 947.1 Definitions. The following terms as used herein have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

(c) "Fall River, Massachusetts, marketing area," hereinafter called the "marketing area," means the city of Fall River and the town of Somerset, both in the Commonwealth of Massachusetts, and the town of Tiverton in the State of Rhode Island.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Dairy farmer" means any person who produces milk.

(f) "Producer" means any dairy farmer, irrespective of whether such dairy farmer is also a handler, whose milk is received at a plant from which Class I milk is shipped to, or sold in, the marketing area either directly or through another plant during the delivery period: *Provided*, That a dairy farmer shall not be a producer within this definition:

(1) If minimum prices are required to be paid to him under provisions of any other Federal order;

(2) If milk delivered by him is determined by the market administrator to be a part of the handler's normal supply for a market other than the marketing area and (i) is classified in Class II or is disposed of outside the marketing area and is classified as Class I, or (ii) is moved to a plant from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received during the delivery period at such plant from Fall River handlers plus the quantity of bulk milk received from a Federal order plant during the delivery period; or

(3) If his milk is delivered to a plant located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

(g) "Dairy farmers designated for other markets" means those dairy farmers which are reported to the market administrator by a handler as his normal supply for a market other than the marketing area.

(h) "Cooperative association" means any association of producers or producers and dairy farmers which the Secretary determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(i) "Handler" means any person, irrespective of whether such person is also a dairy farmer, a producer, or a cooperative association, who receives milk from producers, dairy farmers, cooperative associations, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area during the delivery period.

(j) "Producer-handler" means a producer who is also a handler who receives no milk from producers: *Provided*, That such handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care, and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

(k) "Delivery period" means the calendar month, or the portion thereof, during which the provisions hereof are effective.

(l) "Producer milk" means all milk produced by a producer, which is pur-

chased or received by a handler either directly from such producer or from a cooperative association.

(m) "Other source milk" means all milk received by a handler which is not producer milk, milk from dairy farmers designated for other markets, or milk from a Federal order plant.

(n) "Federal order" means any order of the Secretary regulating the handling of milk pursuant to the act.

(o) "Federal order plant" means any plant at which the milk is subject to the minimum pricing provisions of another Federal order during the delivery period.

(p) "Hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skim milk per 40-quart can, and 2.15 pounds of milk per quart.

§ 947.2 Market administrator—(a) Designation. The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary. The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(b) *Powers.* The market administrator shall have the power to:

(1) Administer the terms and provisions hereof;

(2) Report to the Secretary complaints of violations hereof;

(3) Make rules and regulations to effectuate the terms and provisions hereof; and

(4) Recommend to the Secretary amendments hereto.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records for examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 947.3 or made payments required by § 947.8;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as do not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(8) Pay out of the funds received pursuant to § 947.10 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to

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the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(9) Promptly verify the information contained in the reports submitted by handlers; and

(10) Verify, subject to review by the Secretary, evidence furnished by handlers pursuant to § 947.1 (j), such verification to be made within 15 days of the date of receipt of such evidence, and to be effective from the first day of the delivery period during which verification is made.

§ 947.3 Reports of handlers—(a) *Submission of reports.* Each handler shall report to the market administrator in the form and detail prescribed by the market administrator.

(1) On or before the 7th day after the end of each delivery period, the receipts of milk, skim milk, and cream at each plant from producers, from other handlers, from such handler's own production, from any other sources, and inventories on hand at the beginning and end of such delivery period;

(2) On or before the 7th day after the end of each delivery period, the respective quantities of milk, skim milk, and cream which were sold, distributed, or disposed of, including sales or deliveries to other handlers, for the several purposes and classifications as set forth in § 947.5;

(3) Within 10 day after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name, post office address, and farm location, (ii) the total pounds of milk delivered, (iii) the average butterfat test of milk delivered and (iv) the number of days on which deliveries were made;

(4) At such time after the 18th day after the end of each delivery period as the market administrator may require, each handler shall within 10 days submit to the market administrator his producer records for such delivery period which shall show for each producer: (i) The total delivery of milk with the average butterfat test thereof, (ii) the net amount of the payment to each producer and each cooperative association made pursuant to § 947.8, and (iii) the deductions and charges made by the handler;

(5) On or before the 18th day after the end of the first delivery period following the effective date hereof, a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant and such information with respect to distances involved as the market administrator may require;

(6) On or before the 18th day after any changes are made in the schedule filed in accordance with subparagraph (5) of this paragraph, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule;

(7) On or before the 7th day after the end of each delivery period, dairy farmers designated for other markets.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent those records which are necessary for the verification of the information contained in reports submitted by such handler pursuant to this section and those facilities necessary for the weighing, measuring, sampling, and testing for butterfat content of milk or any product therefrom and for determining the utilization made by the handler of milk or any product therefrom.

§ 947.4 Applications of provisions. (a) Sections 947.6, 947.8, 947.9, and 947.10 are not applicable to any producer-handler as herein defined.

(b) Milk received by a handler from a producer-handler shall be considered as being received from a producer.

§ 947.5 Classification of milk—(a) *Responsibility of handlers.* In establishing the classification of milk received by a handler the burden rests upon the handler who received the milk from producers to account for all milk received at each plant at which milk is received from producers, and to prove that such milk should not be classified as Class I. The burden rests upon the handler who distributes milk in the marketing area to establish the source of all milk received.

(b) *Classes of milk.* Milk received by each handler at a plant where milk is received from producers shall be classified in Class I or Class II in accordance with subparagraphs (1) and (2) of this paragraph, subject to paragraphs (c) and (d) of this section.

(1) All milk the utilization of which is not established as Class II shall be Class I.

(2) Class II milk shall be all milk which is accounted for as (i) sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, or cultured skim milk, for human consumption; and (ii) actual plant shrinkage not in excess of 2 percent of milk received from all sources including the handler's own production but not including receipts from other handlers who receive milk from producers or milk received completely processed and packaged from a Federal order plant.

(c) *Transfers of milk from a plant at which milk is received from producers.*

(1) Transfers to a producer-handler shall be Class I.

(2) Transfers to another handler not a producer-handler or to a Federal order plant shall be classified as reported by the seller, or, if the seller submits no report, as reported by the buyer: *Provided*, That the quantity classified as Class II milk shall not exceed the total quantity of Class II milk of such buyer during the delivery period.

(3) Transfers to a plant, other than a plant at which milk is received from producers or a Federal order plant, from which milk is distributed or at which milk products are manufactured shall

be Class I not to exceed the total Class I at such plant during the delivery period.

(d) *Classification of milk received at plants at which milk is received from producers.* For each delivery period each handler shall report the classification of milk which was received at plants at which milk is received from producers by making computations in the order indicated as follows:

(1) Determine the pounds of milk, skim milk, cream, and other milk products received at all plants of the handler at which milk is received from producers (i) from producers, including own production, (ii) from dairy farmers designated for other markets, (iii) in the form of products received completely processed and packaged from a Federal order plant, (iv) in the form of bulk milk received from another Federal order plant, (v) from other handlers who receive milk from producers, and (vi) from other sources, and the total.

(2) Determine the total pounds of milk, skim milk, cream, and other milk products utilized in Class II products including allowable plant shrinkage as provided in § 947.5 (b) (2) (ii).

(3) Prorate allowable plant shrinkage classified as Class II to producer milk, milk from dairy farmers designated for other markets, bulk milk received from a Federal order plant, and other source milk, and deduct such plant shrinkage from total Class II computed pursuant to subparagraph (2) of this paragraph.

(4) Classify other source milk as Class II in an amount no greater than the amount of Class II remaining.

(5) Deduct from the remaining pounds in each class the quantity of milk, skim milk, cream, and other milk products received from other handlers who receive milk from producers and classified according to paragraph (c) (2) of this section, and Class I and Class II products received completely processed and packaged from a Federal order plant classified according to the actual use established.

(6) Prorate remaining Class II to producer milk, milk from dairy farmers designated for other markets, and bulk milk received from a Federal order plant: *Provided*, That the amount of producer milk classified as Class II inclusive of plant shrinkage shall not exceed 5 percent of the total amount of producer milk.

(7) Deduct any remaining Class II amounts from the total quantity received from producers and the remainder is Class I producer milk.

(8) From the total receipts from each source listed in subparagraph (1) of this paragraph deduct the amount classified as Class II for each source in subparagraphs (3), (4), (5), (6), and (7) of this paragraph and the remainder from each source is Class I: *Provided*, That the total Class I utilization in the marketing area is not more than the Class I producer milk determined in this subparagraph plus Class I milk received from Federal order plants and Class I milk from plants located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

§ 947.6 Minimum prices—(a) *Class I prices.* (1) Each handler shall pay producers or cooperative associations for their milk containing 3.7 percent butterfat, during each delivery period, in the manner set forth in § 947.8 and subject to the differentials set forth in paragraph (c) of this section, for Class I milk delivered by them, not less than the price per hundredweight determined as follows:

(i) Using the period beginning with the 25th of the second preceding month and ending with the 24th of the immediately preceding month, compute the average of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A (U. S. 92-score) butter at wholesale in the New York market.

(ii) Using the midpoint of any range as one quotation, compute the average of all the hot roller process nonfat dry milk solids quotations per pound for "other brands, animal feed, carlots, bags, or barrels," and for "other brands, human consumption, carlots, bags, or barrels," published during the 30 days ending on the 24th day of the immediately preceding month in "The Producers' Price Current;" subtract 4 cents; and multiply the remainder by 1.8.

(iii) Add the values determined pursuant to subdivisions (i) and (ii) of this subparagraph.

(iv) Subject to subdivisions (v), (vi), and (vii) of this subparagraph, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Value computed pursuant to subdivision (iii) of this subparagraph (cents)		Class I price (dollars per hundred-weight)	
At least—	But less than—	April through June	July through March
0.....	25.....	2.44	2.88
25.....	30.....	2.66	3.10
30.....	35.....	2.88	3.32
35.....	40.....	3.10	3.54
40.....	45.....	3.32	3.76
45.....	50.....	3.54	3.98
50.....	55.....	3.76	4.20
55.....	60.....	3.98	4.42
60.....	65.....	4.20	4.64
65.....	70.....	4.42	4.86
70.....	75.....	4.64	5.08
75.....	80.....	4.86	5.30
80.....	85.....	5.08	5.52
85.....	90.....	5.30	5.74
90.....	95.....	5.52	5.96
95.....	100.....	5.74	6.18
100.....	105.....	5.96	6.40

If the value computed pursuant to subdivision (iii) of this subparagraph is 105 cents or more the price shall be increased at the same rate as would result from further extension of this table.

(v) The Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding month, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding month.

(vi) The Class I price shall not be less than \$5.52 per hundredweight for the month of August 1947 and shall not be less than \$5.96 per hundredweight for each of the months of September through December 1947.

(vii) The Class I price for January 1948 shall not be less than the December 1947 Class I price minus 44 cents, and the Class I price for February 1948 shall not be less than the January 1948 Class I price minus 44 cents.

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, there shall be deducted the sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff, for the transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point for such plant to the handler's railroad delivery point for the marketing area.

(b) *Class II prices.* (1) Except as provided in subparagraph (2) of this paragraph, each handler shall pay producers or cooperative associations for their milk in the manner set forth in § 947.8 not less than the price per hundredweight, for milk containing 3.7 percent butterfat calculated for each delivery period by the market administrator as follows:

(i) Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, multiply the result by 3.7 and subtract 15 cents.

(ii) Add any plus amount which results from the following computations: using the midpoint in any range as one quotation, compute the average quotation per pound of nonfat dry milk solids in carlots for roller process human food products in barrels, and for hot roller process animal feed products in bags, as published during the delivery period by the United States Department of Agriculture for New York City. Multiply each such quotation by the applicable percentage indicated for the delivery period in the following table and combine the results, subtract 4 cents, and multiply the remainder by 7.5.

Delivery period	Percent	
	Human food products	Animal food products
January.....	100	0
February.....	100	0
March.....	50	50
April.....	50	50
May.....	25	75
June.....	25	75
July.....	50	50
August.....	75	25
September.....	75	25
October.....	100	0
November.....	100	0
December.....	100	0

(2) For milk delivered to a handler from producers' farms at a plant located more than 100 miles from the City Hall in Fall River, the price shall be the amount computed pursuant to subparagraph (1) of this paragraph minus 14 cents.

(c) *Butterfat differential.* If any producer has delivered to any handler during any delivery period milk having an

average butterfat content other than 3.7 percent, such handler shall, in making the payments to such producer prescribed by paragraph (a) of § 947.8, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, or the last such price reported for a delivery period if no such price is reported for the period between the 16th day of the preceding month and the 15th day inclusive of the delivery period during which such milk is delivered, subtract 1½ cents and divide the result by 10.

(d) *Computation of transportation allowances.* For the purpose of this section, the milk which was disposed of during each delivery period by each handler as Class I milk from a plant located within 100 miles of the City Hall in Fall River shall be presumed to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest plant located more than 100 miles from the City Hall in Fall River.

§ 947.7 Determination of uniform prices to producers—(a) *Computation of value of milk of basic test received by each handler from producers.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers in the following manner:

(1) Multiply the quantity of milk received from producers and classified in Class I and Class II pursuant to § 947.5 (d) by the respective class prices pursuant to § 947.6 (a) and (b);

(2) Combine the resulting values.

(b) *Computation of uniform prices.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received from producers during each delivery period in the following manner:

(1) Add to the total value computed pursuant to paragraph (a) of this section the total amount of the differentials pursuant to § 947.8 (b); and

(2) Divide the amount computed pursuant to subparagraph (1) of this paragraph by the total quantity of milk received from producers. This result shall be the handler's uniform price for milk containing 3.7 percent butterfat.

(c) *Announcement of uniform prices.* The market administrator shall, on or before the 11th day after the end of each delivery period, mail to each handler and publicly announce:

(1) The uniform prices per hundredweight computed pursuant to paragraph (b) of this section; and

(2) The Class II price and the butterfat differential.

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§ 947.8 Payments for milk—(a) Time and method of payment. (1) On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. On or before the 17th day after the end of each delivery period, each handler shall make payment for the total value of milk received from producers or cooperative associations during the preceding delivery period, computed pursuant to § 947.7, subject to the differentials set forth in paragraph (c) of § 947.6 and paragraphs (b) and (c) of this section as follows:

(i) To producers, at not less than the uniform price per hundredweight announced pursuant to § 947.7 (c) for the quantity of milk received from each producer.

(ii) To a cooperative association for milk which is caused to be delivered to a handler from producers by such cooperative association, and for which such cooperative association collects payment, a total amount equal to not less than the sum of the payments otherwise payable to such producers individually, pursuant to subdivision (i) of this subparagraph.

(b) *Differential for plant handling and transportation.* The payments to be made by handlers to producers, pursuant to paragraph (a) of this section shall be reduced by differentials as follows: With respect to milk received from a producer at a plant located more than 100 miles from the City Hall in Fall River, a sum of 13 cents plus an amount per hundredweight equal to the lowest rail tariff for transportation in carlots of milk in 40-quart cans, as published in the New England Joint Tariff M5 (including revisions and supplements thereto), for the distance from the railroad shipping point of such plant to the handler's delivery plant for the marketing area.

(c) *Other differentials.* In making payments to producers or cooperative associations pursuant to paragraph (a) of this section, handlers may deduct \$0.0075 per hundredweight with respect to milk received from producers in containers supplied by the handler for the transportation of milk from their farms to the handler's plant as rental for such containers.

(d) *Correction of errors in payments to producers.* Errors in making any of the payments required in this section shall be corrected not later than the date for making payments next following the determination of such errors.

§ 947.9 Marketing service deductions—(a) Marketing services performed by market administrator. On or before the 15th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler shall deduct, with respect to milk received from each producer during such delivery period, except as set forth in paragraph (b) of this section, 4 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient; and shall pay an amount equivalent to such deductions to the market administrator. Such amount shall be expended by the market administrator only in providing for market in-

formation to, and for verification of weights, samples and tests of milk received from, producers. The market administrator may contract with a cooperative association or associations for the furnishing of the whole or any part of such services to or with respect to the milk received by handlers from, producers.

(b) *Marketing services performed by cooperative associations.* On or before the 17th day after the end of each delivery period, in making payments to producers pursuant to § 947.8, each handler shall deduct, with respect to milk received from producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act" is actually performing the services set forth in paragraph (a) of this section, such amounts as are authorized by such producers, and pay an equivalent amount to the cooperative association rendering such services to its members.

§ 947.10 Expense of administration—(a) Payments by handlers. As his pro rata share of the expense of administration hereof, each handler not a producer-handler shall, on or before the 15th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to all milk received during such delivery period at (1) a plant at which milk is received from producers, and (2) a plant from which Class I milk is disposed of in the marketing area to persons other than handlers who receive milk from producers: *Provided*, That such handler, which is a cooperative association, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such cooperative association collects payment: *And provided further*, That any amounts required by this paragraph to be paid to the market administrator shall be reduced by an amount equivalent to any amounts paid with respect to such milk, for cost of administration of a Federal order.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of payments required by this section.

§ 947.11 Effective time, suspension, or termination of order—(a) Effective time. The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed by the Secretary;

(2) From time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and

(3) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 947.12 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

§ 947.13 Marketing committee—(a) Establishment. At the request of handlers of more than 50 percent of the milk which is produced for sale in the marketing area, the Director of the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, (hereinafter referred to as Director) may select a committee, to be known as the "Marketing Committee," which shall have as its members representatives of the various groups directly interested in the marketing of milk in the marketing area, all of whom may be selected from among the persons nominated by the handlers in accordance

with the procedure established by the Director.

(b) *Duties.* The marketing committee shall have such duties as the Director determines to be necessary and appropriate to effectuate the declared policy of the act in its application to this order, as amended, and the administration thereof, all of which duties shall be prescribed by the Director.

(c) *Compensation.* The members of the Marketing Committee shall serve without compensation but shall be entitled to expenses necessarily incurred by them in the performance of their duties, and such expenses shall be paid by the market administrator out of the assessments collected hereunder for the cost of administration hereof.

(d) *Supervision.* Each and every act of the Marketing Committee shall be subject to the continuing right of the Director or the Secretary to disapprove at any time.

(e) *Procedure.* The procedure to be followed by the Marketing Committee shall be recommended by the market administrator hereunder and shall be approved by the Director.

§ 947.14 Emergency price provision. Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

Issued at Washington, D. C., this 23d day of July 1947 to be effective on and after the 1st day of August 1947.

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

[F. R. Doc. 47-7044; Filed, July 25, 1947;
8:47 a. m.]

[Lemon Reg. 232]

PART 953—LEMONS GROWN IN CALIFORNIA
AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.339 Lemon Regulation 232—(a)
Findings. (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR,

Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 27, 1947, and ending at 12:01 a. m., P. s. t., August 3, 1947, is hereby fixed at 515 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 231 (12 F. R. 4812) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 47-7086; Filed, July 25, 1947;
8:47 a. m.]

[Orange Reg. 188]

PART 966—ORANGES GROWN IN THE STATES
OF CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.334 Orange Regulation 188—(a)
Findings. (1) Pursuant to the provi-

sions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 27, 1947, and ending at 12:01 a. m., P. s. t., August 3, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District No. 1, unlimited movement; (b) Prorate District No. 2, 1,700 carloads; and (c) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 24th day of July 1947.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

RULES AND REGULATIONS

PRORATE BASE SCHEDULE

[12:01 a. m. July, 1947, to 12:01 a. m. Aug. 8, 1947]

VALENCIA ORANGES

Prorate District No. 2

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Alta Loma	.0703
A. F. G. Fullerton	.8278
A. F. G. Orange	.6117
A. F. G. Redlands	.2283
A. F. G. Riverside	.1254
A. F. G. San Juan Capistrano	1.0573
A. F. G. Santa Paula	.4010
Corona Plantation Co.	.2341
Hazeltine Packing Co.	.2891
Signal Fruit Association	.0782
Azusa Citrus Association	.4294
Azusa Orange Co., Inc.	.1333
Damerel-Allison Co.	.8620
Glendora Mutual Orange Association	.3725
Irwindale Citrus Association	.3604
Puente Mutual Citrus Association	.1958
Valencia Heights Orchards Association	.4177
Glendora Citrus Association	.3420
Glendora Heights Orange and Lemon Growers Association	.0746
Gold Buckle Association	.5536
La Verne Orange Association	.6304
Anaheim Citrus Fruit Association	1.5013
Anaheim Valencia Orange Association	.6133
Eadington Fruit Company, Inc.	2.2794
Fullerton Mutual Orange Association	.6735
La Habra Citrus Association	1.1264
Orange County Valencia Association	.7233
Orangethorpe Citrus Association	1.1630
Placentia Cooperative Orange Association	.8135
Yorba Linda Citrus Association, The	.5582
Alta Loma Heights Citrus Association	.0920
Citrus Fruit Growers	.1316
Cucamonga Citrus Association	.1460
Etiwanda Citrus Fruit Association	.0411
Old Baldy Citrus Association	.1296
Rialto Heights Orange Growers	.0911
Upland Citrus Association	.3940
Upland Heights Orange Association	.1479
Consolidated Orange Growers	2.0656
Frances Citrus Association	1.0396
Garden Grove Citrus Association	1.8873
Goldenwest Citrus Association, The	1.3748
Irvine Valencia Growers	2.5999
Olive Heights Citrus Association	1.8078
Santa Ana-Tustin Mutual Citrus Association	1.1056
Santiago Orange Growers Association	4.1029
Tustin Hills Citrus Association	1.7974
Villa Park Orchs. Association, The	1.9883
Andrews Bros. of Calif.	.3967
Bradford Bros., Inc.	.6276
Placentia Mutual Orange Association	1.7034
Placentia Orange Growers Association	2.5528
Call Ranch	.0654
Corona Citrus Association	.4472
Jameson Co.	.0353
Orange Heights Orange Association	.3586
Break & Son, Allen	.0552
Bryn Mawr Fruit Growers Association	.2578
Crafton Orange Growers Association	.3722
E. Highlands Citrus Association	.0838
Fontana Citrus Association	.0829
Highland Fruit Growers Association	.0495
Krinard Packing Co.	.2574

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Mission Citrus Association	0.1397
Redlands Cooperative Fruit Association	.3963
Redlands Heights Groves	.2430
Redlands Orange Growers Association	.2546
Redlands Orangedale Association	.2762
Redlands Select Groves	.1571
Rialto Citrus Association	.1467
Rialto Orange Co.	.1463
Southern Citrus Association	.1966
United Citrus Growers	.1417
Zilen Citrus Co.	.0980
Arlington Heights Fruit Co.	.0987
Brown Estate, L. V. W.	.1285
Gavilan Citrus Association	.1504
Hemet Mutual Groves	.1093
Highgrove Fruit Association	.0755
McDermont Fruit Co.	.1855
Mentone Heights Association	.0653
Monte Vista Citrus Association	.2174
National Orange Co.	.0398
Riverside Growers, Inc.	.0748
Riverside Heights Orange Growers Association	.0852
Sierra Vista Packing Association	.0570
Victoria Avenue Citrus Association	.1711
Claremont Citrus Association	.1382
College Heights Orange and Lemon Association	.2151
El Camino Citrus Association	.0802
Indian Hill Citrus Association	.1618
Pomona Fruit Growers Exchange	.3346
Walnut Fruit Growers Association	.4200
West Ontario Citrus Association	.3388
El Cajon Valley Citrus Association	.3043
Escondido Orange Association	2.3510
San Dimas Orange Growers Association	.4840
Covina Citrus Association	.9842
Covina Orange Growers Association	.3864
Duarte-Monrovia Fruit Exchange	.1727
Santa Barbara Orange Association	.0496
Ball & Tweedy Association	.5943
Canoga Citrus Association	.7901
N. Whittier Heights Citrus Association	.8790
San Fernando Fruit Growers Association	.4261
San Fernando Heights Orange Association	.9265
Sierra Madre-Lamanda Citrus Association	.3832
Camarillo Citrus Association	1.4426
Fillmore Citrus Association	.3438
Mupu Citrus Association	2.4246
Ojai Orange Association	.9455
Piru Citrus Association	1.9339
Santa Paula Orange Association	.8316
Tapo Citrus Association	1.0876
Limonera Co.	.3330
E. Whittier Citrus Association	.3891
El Ranchito Citrus Association	1.3273
Murphy Ranch Co.	.4165
Rivera Citrus Association	.5264
Whittier Citrus Association	.6694
Whittier Select Citrus Association	.4689
Anaheim Coop. Orange Association	1.1877
Bryn Mawr Mutual Orange Association	.0881
Chula Vista Mutual Lemon Association	.0885
Escondido Coop. Citrus Association	.3213
Euclid Avenue Orange Association	.4083
Foothill Citrus Union, Inc.	.0321
Fullerton Coop. Orange Association	.4211
Garden Grove Orange Coop., Inc.	.8491
Glendora Coop. Citrus Association	.0544
Golden Orange Groves, Inc.	.2693
Highland Mutual Groves	.0642
Index Mutual Association	.1687
La Verne Coop. Citrus Association	1.1790
Olive Hillside Groves	.7342

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Orange Coop. Citrus Association	1.2050
Redlands Foothill Groves	.4299
Redlands Mutual Orange Association	.1597
Riverside Citrus Association	.0659
Ventura County Orange and Lemon Association	.9028
Whittier Mutual Orange and Lemon Association	.1879
Babijuice Corp. of Calif.	.4994
Banks Fruit Co.	.2884
Banks, L. M.	.4869
Borden Fruit Co.	.8126
California Fruit Distributors	.2635
Cherokee Citrus Co., Inc.	.0964
Chess Company, Meyer W.	.1889
Escondido Avocado Growers	.0532
Evans Brothers Packing Co.	.2170
Gold Banner Association	.2790
Granada Hills Packing Co.	.0606
Granada Packing House	2.3132
Hill, Fred A.	.0739
Inland Fruit Dealers	.0554
Mills, Edward	.0321
Orange Belt Fruit Distributors	2.1367
Panno Fruit Co., Carlo	.0362
Paramount Citrus Association	.5096
Placentia Orchards Co.	.5185
Placentia Pioneer Valley Growers Association	.6258
San Antonio Orchards Co.	.3912
Santa Fe Groves Co.	.0489
Snyder & Sons Co., W. A.	.9715
Stephens, T. F.	.0842
Sunny Hills Ranch, Inc.	.1141
Ventura County Citrus Association	.0089
Verity & Sons Co., R. H.	.0347
Wall, E. T.	.1183
Webb Packing Co.	.2176
Western Fruit Growers, Inc., Ana.	.0473
Western Fruit Growers, Inc., Reds.	.6350
Yorba Orange Growers Association	.5927

[F. R. Doc. 47-7085; Filed, July 25, 1947;
8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter III—Office of Philippine Alien Property Administration

PART 600—ORGANIZATION AND DELEGATIONS OF AUTHORITY

AUTHORIZATION OF THE PHILIPPINE ALIEN PROPERTY ADMINISTRATOR TO PERFORM CERTAIN FUNCTIONS OF THE PRESIDENT WITH RESPECT TO ALIEN PROPERTY LOCATED IN THE PHILIPPINES

CROSS REFERENCE: For delegation of authority authorizing the Philippine Alien Property Administrator to perform certain functions of the President with respect to alien property located in the Philippines, which affects the text of § 600.4, see Executive Order 9876, *supra*.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3221]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED BUYERS CORP. ET AL.

§ 3.45 (e) Discriminating in price—Indirect discrimination—Brokerage pay-

ments. Directly or indirectly, on the part of respondent United Buyers Corporation, its officers, etc., and among other things, as in order set forth, in any manner or form whatever, (1) accepting from sellers any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, upon the purchase of commodities in interstate commerce, by itself, by any of its stockholders, or by any buyer for whom in fact, on whose behalf, or under whose direct or indirect control it acts; or, (2) transmitting, passing, or granting to buyers of commodities any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, received on such buyers' purchases of commodities in interstate commerce, either in the form of money or credits or in the form of services or benefits provided or furnished by respondent United Buyers Corporation through or by means of the use or expenditure of any such brokerage fee, commission, compensation, allowance, or discount; prohibited. (Sec. 2c, 49 Stat. 1527; 15 U. S. C., sec. 13c) [Modified cease and desist order, United Buyers Corporation et al., Docket 3221, June 17, 1947]

§ 3.45 (e) Discriminating in price—Indirect discrimination—Brokerage payments. Accepting from the sellers of commodities or from respondent United Buyers Corporation, on the part of respondents H. P. Lau Company, Bluffton Grocery Company, Lima-Kenton Grocery Company, S. Zollinger Company, William Edwards Company, and Copps Company, and all other stockholders in United Buyers Corporation prior to May 21, 1941, their officers, etc., and among other things, as in order set forth, directly or indirectly, in any manner or form whatever, any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, upon their purchases of commodities in interstate commerce, either in the form of money or credits or in the form of services or benefits provided or furnished by respondent United Buyers Corporation through or by means of the use or expenditure of any such brokerage fee, commission, compensation, allowance, or discount; prohibited. (Sec. 2c, 49 Stat. 1527; 15 U. S. C., sec. 13c) [Modified cease and desist order, United Buyers Corporation et al., Docket 3221, June 17, 1947]

§ 3.45 (e) Discriminating in price—Indirect discrimination—Brokerage payments. Paying or granting, directly or indirectly, to United Buyers Corporation, on the part of respondents Allison-Bedford Company, Blue Seal Products Company, Bordo Products Company, Champion Chemical Works, Cupples Company, Dean Milk Company, and J. B. Inderrieden Company, their officers, etc., and among other things, as in order set forth, any brokerage or commission, or any allowance or discount or anything of value as compensation in lieu thereof upon their sales of commodities in interstate commerce, except in transactions in which United Buyers Corporation renders to them a bona fide selling service as their selling agent or broker, and does not act for or on behalf of, or

under the direct or indirect control of, the purchasers in such transactions; prohibited. (Sec. 2c, 49 Stat. 1527; 15 U. S. C., sec. 13c) [Modified cease and desist order, United Buyers Corporation et al., Docket 3221, June 17, 1947]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of June A. D. 1947.

In the Matter of United Buyers Corporation; Arthur E. Koeniger, Individually and as One of the Directors of United Buyers Corporation; Eli P. Gale, Individually and as Vice President in Charge of Buying and as One of the Directors of United Buyers Corporation; W. Wendell Caldwell, Individually and as Vice President in Charge of Merchandising, and as One of the Directors of United Buyers Corporation; Helen M. Driscoll, Individually and as Secretary of United Buyers Corporation; Stella E. Nordlund, Individually and as Treasurer of United Buyers Corporation; Paul E. Painter, Milton E. Rolfsmeyer, Alfred M. Copps, Eldon B. Smith, and Oliver J. Lecklider, and Each of Them, Individually and as Directors of United Buyers Corporation; H. P. Lau Company, a Corporation; Bluffton Grocery Company, a Corporation; Lima-Kenton Grocery Company, a Corporation; S. Zollinger Company, a Corporation; William Edwards Company, a Corporation; Copps Company, a Corporation; Allison-Bedford Company, a Corporation; Angelus Campfire Company, a Corporation; Blue Seal Products Company, a Corporation; Bordo Products Company, a Corporation; Champion Chemical Works, a Corporation; Cupples Company, a Corporation; Dean Milk Company, a Corporation; J. B. Inderrieden Company, a Corporation; Respondents

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint, and the Commission having made its findings as to the facts and its conclusion that the respondents, with the exception of the Angelus Campfire Company, have violated the provisions of section 2 (c) of the Clayton Act, approved October 15, 1914 (38 Stat. 730), as amended by the Robinson-Patman Act, approved June 19, 1936 (49 Stat. 1526; 15 U. S. C. section 13), and issued its order to cease and desist dated November 13, 1941; and the Commission having further considered said order to cease and desist after having given notice to respondents to show cause why said order to cease and desist should not be modified in certain specified particulars, and having considered the answer to said notice and the oral arguments of counsel; and being of the opinion that paragraph 2 of said order should be made more explicit, and having issued its order modifying paragraph 2 of said order, now issues this its modified order to cease and desist:

It is ordered, That respondent United Buyers Corporation, its officers, directors, agents, representatives, and em-

ployees, do forthwith cease and desist from:

1. Directly or indirectly, in any manner or form whatever, accepting from sellers any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, upon the purchase of commodities in interstate commerce, by itself, by any of its stockholders, or by any buyer for whom in fact, on whose behalf, or under whose direct or indirect control it acts.

2. Directly or indirectly, in any manner or form whatever, transmitting, passing, or granting to buyers of commodities any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, received on such buyers' purchases of commodities in interstate commerce, either in the form of money or credits or in the form of services or benefits provided or furnished by respondent United Buyers Corporation through or by means of the use or expenditure of any such brokerage fee, commission, compensation, allowance, or discount.

It is further ordered, That respondents H. P. Lau Company, Bluffton Grocery Company, Lima-Kenton Grocery Company, S. Zollinger Company, William Edwards Company, and Copps Company, and all other stockholders in United Buyers Corporation prior to May 21, 1941, their officers, directors, agents, representatives, and employees, do forthwith cease and desist from accepting from the sellers of commodities or from respondent United Buyers Corporation, directly or indirectly, in any manner or form whatever, any brokerage or commission, or any allowance, discount, or thing of value in lieu thereof, upon their purchases of commodities in interstate commerce, either in the form of money or credits or in the form of services or benefits provided or furnished by respondent United Buyers Corporation through or by means of the use or expenditure of any such brokerage fee, commission, compensation, allowance, or discount.

It is further ordered, That respondents Allison-Bedford Company, Blue Seal Products Company, Bordo Products Company, Champion Chemical Works, Cupples Company, Dean Milk Company, and J. B. Inderrieden Company, their officers, directors, agents, representatives, and employees, do forthwith cease and desist from paying or granting, directly or indirectly, to United Buyers Corporation, any brokerage or commission, or any allowance or discount or anything of value as compensation in lieu thereof upon their sales of commodities in interstate commerce, except in transactions in which United Buyers Corporation renders to them a bona fide selling service as their selling agent or broker, and does not act for or on behalf of, or under the direct or indirect control of, the purchasers in such transactions.

It is further ordered, That the complaint herein be, and hereby is, dismissed as to:

1. Respondent Arthur E. Koeniger,
2. Respondent Eli P. Gale,
3. Respondent Helen M. Driscoll,
4. Respondent Angelus Campfire Company.

RULES AND REGULATIONS

Respondent Arthur E. Koeniger is deceased; respondents Eli P. Gale and Helen M. Driscoll have resigned their offices and positions with the United Buyers Corporation and there is no indication that they are likely to resume their previous employment with it; and the record does not show that respondent Angelus Campfire Company, a seller-responsible, has paid any brokerage or commissions to United Buyers Corporation.

It is further ordered. That the respondents, except those as to whom the complaint is dismissed, shall file with the Commission, within sixty (60) days after service upon them of this order, a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 47-7028; Filed, July 25, 1947;
9:01 a. m.]

TITLE 24—HOUSING CREDIT**Chapter I—Federal Home Loan Bank Administration****Chapter III—Federal Savings and Loan Insurance Corporation****Chapter IV—Home Owners' Loan Corporation****Chapter V—Federal Housing Administration****Chapter VI—Federal Public Housing Authority****Chapter VII—National Housing Agency****TRANSFER OF FUNCTIONS**

CROSS REFERENCE: For transfer of functions of the Home Owners' Loan Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Housing Administration, the United States Housing Authority, the Defense Homes Corporation, the United States Housing Corporation and the Federal Home Loan Bank Board to the Housing and Home Finance Agency, see Reorganization Plan 3 of 1947, *supra*.

TITLE 32—NATIONAL DEFENSE**Chapter XI—Office of Temporary Controls, Office of Price Administration**

[Revision, Mar. 31, 1947, Amdt. 2]

PART 1305—ADMINISTRATION**MISCELLANEOUS AMENDMENTS**

The description of organization as required by section 3 (a) (1) of the Administrative Procedure Act (12 F. R. 3696) is amended in the following respects:

1. In Subpart B (text):

a. Sections 1305.530 through 1305.541, inclusive, are added as follows:

§ 1305.530 *The Division of Liquidation.* The Division of Liquidation shall comprise the following organizational units:

(a) National office.

Office of the Liquidator—
Office of Internal Intelligence (in liquidation status).
Office of Personnel.
Office of Administrative Service.
Office of Budget and Finance.
Office of Public Records (in liquidation status on May 15).
Office of Information (in liquidation status—abolished May 31).

(b) Regional offices.

Regional Liquidation Officer—
Personnel Office.
Budget and Finance Office.
Administrative Service Office.
Office of Information.
Review and Disposition Office.

§ 1305.531 *Abolishment of organization units and transfer of functions.* The following organization units of OPA and OWMR are hereby abolished and their functions transferred in accordance with § 1305.532:

To—

- (a) Office of the Liquidator-----
- (b) Office of Internal Intelligence-----
- (c) Office of Personnel-----
- (d) Office of Administrative Service-----
- (e) Office of Budget and Finance-----
- (f) Office of Public Records-----
- (g) Office of Information-----
- (h) Regional Office of Information-----
- (i) Regional Personnel Office-----
- (j) Regional Budget and Finance Office-----
- (k) Regional Administrative Service Office-----

(a) National office—OPA.

- (1) Office of Internal Intelligence
- (2) Office of Budget and Planning
- (3) Office of Personnel
- (4) Office of Administrative Service
- (5) Office of Information
- (6) Office of Public Records

(b) National office—OWMR.

- (1) Office of Personnel
- (2) Office of Administrative Service and Finance

(c) Regional offices—OPA.

- (1) Office of Information
- (2) Personnel Division
- (3) Budget and Finance Division
- (4) Administrative Service Division

§ 1305.532. *Functions of the organization units under Division of Liquidation.* The offices in the Division of Liquidation in the national office and in the field shall have transferred to them the functions of the organization units abolished in § 1305.531 as follows:

The functions of—

Planning Branch of the OPA Office of Budget and Planning.
The Assistants to the OPA Commissioner for Field Coordination.
OPA Office of Internal Intelligence.
OPA Office of Personnel.
OWMR Office of Personnel.
OPA Office of Administrative Service.
Administrative Service from OWMR Office of Administrative Service and Fiscal Service.
Budget and Fiscal Branches of the OPA Office of Budget and Planning.
Fiscal Functions of the OWMR Office of Administrative and Fiscal Service.
OPA Office of Public Records.
OPA Office of Information.
OPA Regional Office of Information.
OPA Regional Personnel Division.
OPA Regional Office of Budget and Finance.
OPA Regional Office of Administrative Service.

instruction shall be undertaken only with the approval of the Liquidation Officer.

§ 1305.533 *Office of the Liquidator.* The Office of the Liquidator including the assistant liquidation officer shall be responsible for:

- (a) Planning the liquidation of the Office of Temporary Controls.
- (b) Directing the staff of the subordinate offices and regional offices of the Division of Liquidation to insure the orderly liquidation of all remaining functions and to supply appropriate management services to the Sugar Rationing Administration and to the Office of Rent Controls.
- (c) Coordinating the field supervision of the regional offices.
- (d) Issuing all field instructions pertaining to the liquidation of OTC.

(e) Directing the management services to be provided to the Sugar Rationing Administration of the Department of Agriculture and to the Office of Housing Expediter, Office of Rent Controls, as provided in agreements with and delegations from those agencies.

§ 1305.534 *Office of Internal Intelligence.* The Office of Internal Intelligence is placed in liquidation status. It is responsible for completing open cases of allegations or charges of corruption or misconduct on the part of OPA employees, including such other cases already assigned. Investigations of cases referred subsequent to the date of this

§ 1305.535 *Management offices.* (a) The Office of Personnel and the Office of Administrative Services shall comprise the organizational units and perform the functions described for those offices in §§ 1305.582 through 1305.589, and §§ 1305.566 through 1305.573, respectively.

(b) The Office of Budget and Finance shall comprise a fiscal branch and a budget branch. These branches shall perform the budget and fiscal functions of the Office of Budget and Planning described in §§ 1305.576 through 1305.579, inclusive.

§ 1305.536 *The Office of Public Records.* The Office of Public Records shall be placed in liquidation status on May 15. It shall perform the functions described for the Office of Public Records in §§ 1305.560 through 1305.564, inclusive.

§ 1305.537 *The Office of Information.* The Office of Information is hereby placed in liquidation status and abolished May 31. It shall carry out all information functions pertaining to liquidation and OPA enforcement. The staff of the Office of Information shall also assist staff members of the Office of Public Records in the editorial work required for history and policy analysis.

§ 1305.538 The regional liquidation officer. The regional liquidation officer and his staff, comprising the personnel office, budget and finance office, the administrative service office, the office of information, and the review and disposition office, shall carry out the operations required for the liquidation of field offices in accordance with instructions contained in this Transfer and Liquidation series.

§ 1305.539 Instructions. All officers and employees of the Division of Liquidation are bound by the extent instructions in Volumes 3, 4, and 8 of the OPA Manual, and all instructions in the Transfer and Liquidation Instruction series. Where instructions in the Transfer and Liquidation Instruction series are in conflict with the OPA Manual, the former will be considered as supersessions of the OPA Manual.

§ 1305.540 The OTC Division of Liquidation. The OCT Division of Liquidation and its constituent management offices in the national office and in the field shall perform budget and finance, personnel and administrative service functions for the Sugar Rationing Administration, USDA, and for the Office of Housing Expediter, Office of Rent Control in the national office and in the

field. These functions and services shall be provided in conformity to the agreements and delegations of the proper officials in the USDA Sugar Rationing Administration and the Office of Housing Expediter, Office of Rent Controls, and as published in the Transfer and Liquidation Instruction series.

§ 1305.541 The special consulting staff of the OTC. The special consulting staff of the OTC, consisting of the Commissioner of the Office of Price Administration and his immediate staff, including the General Counsel and the deputy commissioner for enforcement, the Commissioner of the Office of War Mobilization and Reconversion and his immediate staff, including the Director of the Office of Premium Price Plan, shall advise and assist the Temporary Controls Administrator in the liquidation of the Office of Temporary Controls. The Division of Liquidation will provide the management services for these constituent offices of the Office of Temporary Controls, and work closely with the special consulting staff for the orderly liquidation of the remaining functions of OWMR and OPA.

2. In Subpart C (text):
a. Sections 1305.665 through 1305.680, inclusive, are deleted.¹

3. In Subpart D (text):

a. Sections 1305.710 through 1305.714, inclusive, are deleted, and the appendix thereto, titled "Location and Jurisdiction of Area Rent and Branch Rent Offices" is deleted.¹

4. In Subpart E (text):

a. Section 1305.763 is deleted.¹

(Secs. 3, 12, Pub. Law 404, 79th Cong., 60 Stat. 238, 244)

Dated: May 5, 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-7018; Filed, July 25, 1947;
9:00 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service, Department of Agriculture

PART 201—NATIONAL FORESTS

SUMTER NATIONAL FOREST; TRANSFER OF LAND

CROSS REFERENCE: For transfer of lands which affect the tabulation in § 201.1, from Federal Farm Mortgage Corporation to Forest Service see Surplus Property Transfer Order No. 5 of Federal Farm Mortgage Corporation in Notices section, *infra*.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 901]

HANDLING OF WALNUTS IN CALIFORNIA, OREGON AND WASHINGTON

DECISION WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO MARKETING AGREEMENT AND MARKETING ORDER

Correction

In F. R. Doc. 47-6797 appearing at page 4819 of the issue for Saturday, July 19, 1947, the following change is made in the third column on page 4822. The second paragraph of § 901.7 (a) (section 1 of Article VI) should read as follows:

The Control Board may direct that such certificate be not issued to any packer who has failed to deliver or otherwise account for his surplus obligation in accordance with the terms hereof.

[7 CFR, Part 933]

HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR and

Supps. 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 84, as amended (hereinafter referred to as the "marketing agreement"), and Order No. 33, as amended (7 CFR Supps., 933.1 et seq.) (hereinafter referred to as the "order"), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifteenth day after publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Production and Marketing Administration as a result of a re-

¹ The deleted portions relate to rent control functions transferred to the Office of Housing Expediter pursuant to Executive Order No. 9841 (12 F. R. 2645), and have been adopted by the Housing Expediter in Rent Control Order No. 1 (12 F. R. 2986).

quest received from the Growers Administrative Committee and the Shippers Advisory Committee, administering the marketing agreement and order, that a hearing be called to consider proposed amendments. In accordance with the applicable provisions of the aforesaid rules of practice and procedure a notice that a public hearing would be held at Vero Beach, Florida, on May 12, 1947, and at Lakeland, Florida, on May 14, 1947, to consider the proposed amendments was published in the FEDERAL REGISTER (12 F. R. 2809).

Material issues. The material issues presented on the record of the hearing were concerned with the following:

(1) Amending the marketing agreement and order to provide for the issuance of regulations which may specify that shipments of any variety (as such term is defined in the marketing agreement and order) grown in Regulation Area II, as defined in the aforesaid notice of hearing, shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I, likewise defined in the hearing notice; and

(2) Establishing Regulation Area I and Regulation Area II.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

(1) The marketing agreement and order should be amended to provide for the issuance of regulations which may

PROPOSED RULE MAKING

specify that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I.

Substantial differences exist between Regulation Area I and Regulation Area II with regard to cultural, grading, packing, and marketing practices insofar as they apply to the citrus fruits covered by the marketing agreement and order.

A distinctive heavy hammock soil is found in Regulation Area II. The land within this area, on which citrus fruits are grown, is low and flat. These low lands require an elaborate system of drainage ditches, which are not found in the groves located in Regulation Area I, since such groves are usually on rolling, sandy type soils. Most of the groves in Regulation Area II are irrigated. Due to the ridging practices followed in Regulation Area II, citrus groves in such area are smaller in acreage than those in Regulation Area I. Other cultural practices in Regulation Area II, such as preparing the land for citrus fruit trees, cultivating, and control of insects differ in varying degrees from practices in Regulation Area I. Citrus fruit yields are generally lower per acre in Regulation Area II than yields in Regulation Area I, and production costs per box are higher. Fruit discoloration in Regulation Area II is more prevalent but is smoother and less unsightly. The fruit grown in Regulation Area II is, on the average, more tender and the peel is thinner than that grown in Regulation Area I. These and other differences in characteristics of the fruit grown in the two areas are due to the differences in soils and cultural practices.

Grading practices are different in the two areas. In Regulation Area I, citrus fruit is generally marketed as U. S. Combination grade¹ fruit which consists of a mixture of both No. 1 grade¹ and U. S. No. 2 grade¹ fruit. In Regulation Area II, however, the U. S. No. 1 grade fruit and the U. S. No. 2 grade fruit are separated in the packing house and are sold separately in the markets. The latter method of grading is more costly than the former method. This difference in grading practices has existed for several years. In the past, this difference has prevented the institution, at certain times, of grade and size regulations limiting shipments of citrus fruits to such grades of fruit as the then current marketing conditions warranted. If these regulations were made effective, then shippers in Regulation Area II would have been forced to change their grading practices. The proposed amendments would provide the necessary flexibility in the operation of the marketing agreement and order program to meet changing marketing conditions; and would not tend to decrease the volume of Florida citrus fruit marketed in interstate commerce. Such regulations, if

issued, would result (i) in better quality fruit being shipped; and (ii) higher average prices being received for producers for such fruit; and would protect the interest of consumers by the shipment of better fruit.

Citrus fruits grown in Regulation Area II are generally packed in the nailed wooden box whereas most of the fruit grown in Regulation Area I is packed in the wire bound box. The nailed box is higher in cost than the wire bound box.

Some differences in the marketing of citrus fruits exist between Regulation Area I and Regulation Area II. A greater percentage of the fruit grown in Regulation Area II is marketed in fresh form than that grown in Regulation Area I, while a greater percentage of the fruit grown in Regulation Area I is sold for processing than that grown in Regulation Area II. Although the production of fruit in Regulation Area II, during the last five years, constituted only 7.6 percent of the total production in the State of Florida, approximately 25 to 30 percent of the fresh grapefruit shipped out of the State of Florida during this period was grown in Regulation Area II. Citrus fruit grown in Regulation Area II commands a higher average price on the auction markets than does fruit grown in Regulation Area I. During the seasons 1941-42 to 1945-46 such prices averaged per box 48 cents higher for early and midseason oranges, 40 cents higher for Temple oranges, 28 cents higher for Valencia oranges, 43 cents higher for white seeded grapefruit, 61 cents higher for white seedless grapefruit, 44 cents higher for pink seeded grapefruit, and 45 cents higher for pink seedless grapefruit.

Citrus fruit grown in Regulation Area II competes in the market with that grown in Regulation Area I. The marketing agreement and order program is concerned with problems which arise in every citrus fruit area in the State of Florida, and the same marketing agreement and order should continue to cover all areas within the State. During the major portion of each marketing season, grade and size regulations would in all probability be uniform in Regulation Area I and Regulation Area II. The regulations should be recommended by the same administrative and advisory committees which have administered the marketing agreement and order since their inception.

(2) Regulation Area I and Regulation II should be established as set forth in the aforesaid notice of hearing.

The boundary line between Regulation Area I and Regulation Area II is a natural one geographically inasmuch as it is clearly demarcated by swamps, rivers, lakes, canals, and other natural landmarks. No groves are located on the boundary line; and along almost the entire length of the boundary line the nearest groves are several miles distant from the line. This line is almost identical to the boundary line established for the Indian River Citrus Area by the laws of the State of Florida. Such laws provide that only fruit grown within the Indian River Citrus Area, which corre-

sponds to Regulation Area II as defined in the aforesaid hearing notice, may be sold under the name or brand of Indian River Citrus Fruit.

The Federal Trade Commission has defined the Indian River Area in general terms and has issued orders in cases investigated by the commission, that shippers may not market fruit grown in Regulation Area I under an Indian River stamp or label. The Office of Price Administration established price ceilings for citrus fruit varieties grown in the Indian River Area which were higher per box than those established for the same varieties grown in Regulation Area I.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of Marion County Growers and Shippers, and the Indian River Citrus League, Incorporated, and by Mr. W. M. Davidson. The briefs contain statements of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. Although all of the briefs do not contain specific requests to make proposed findings, it is assumed that the arguments and conclusions submitted were for this purpose and are treated accordingly.

The brief submitted on behalf of the growers and shippers from Marion County who testified at the hearing in opposition to the amendments states that there is no basis upon which the amendments can be justified and that the amendments should not be approved. The brief submitted by Mr. W. M. Davidson discussed in general terms his objections to the amendments on the basis that they would result in discrimination against his operations in the citrus industry. The proposed findings and conclusions of the Marion County Growers and Shippers and of Mr. Davidson are denied to the extent that they are inconsistent with the findings and conclusions contained herein and because of the reasons stated for the conclusions in this recommended decision.

The Indian River Citrus League, Incorporated, proposed that the amendments be adopted. This proposal is in agreement with the findings and conclusions stated herein and is approved.

Recommended amendment to the marketing agreement and order. The following amendments to the marketing agreement and order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Add to section 1 of the marketing agreement and § 933.1 *Definitions* of the order the following new paragraphs:

(m) "Regulation Area I" shall include all that part of the State of Florida not included in "Regulation Area II".

(n) "Regulation Area II" shall include that part of the State of Florida particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the Southwest corner

¹Such grades are set forth in the United States Standards for Citrus Fruits, as amended (11 F. R. 13239; 12 F. R. 1), and in the United States Standards for Tangerines (12 F. R. 2619).

of Section 23, Township 14 South, Range 31 East; thence continue South to the Southwest corner of Section 35, Township 14 South, Range 31 East; thence East to the Northwest corner of Township 15 South, Range 32 East; thence South to the Southwest corner of Township 17 South, Range 32 East; thence East to the Northwest corner of Township 18 South, Range 33 East; thence South to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence South to the South line of Brevard County; thence East to the line between Ranges 36 East and 37 East; thence South to the Southwest corner of St. Lucie County; thence East to the line between Ranges 39 East and 40 East; thence South to the South line of Martin County; thence East to the line between Ranges 40 East and 41 East; thence South to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence East to the shore of the Atlantic Ocean; thence Northerly along the shore of the Atlantic Ocean to the point of beginning.

2. Delete the provisions in paragraph (b) (1) of section 4 of the marketing agreement and in paragraph (b) (1) of § 933.4 *Regulation by grades and sizes of the order* and substitute therefor the following:

(1) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety pursuant to this section,

the said committee shall recommend the particular grades and sizes or either thereof deemed by it advisable to be shipped, and any such recommendation may include a proposal that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the proposed grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (i) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (ii) amount on hand at the principal markets, as evidenced by supplies on track; (iii) maturity, conditions, and available supply, including the grade and size thereof in the producing areas; (iv) other pertinent market information; and (v) the level and trend in consumer income. The Shippers Advisory Committee shall promptly report the recommendations so made, with supporting information, to the Growers Administrative Committee, which committee shall, in turn, submit the same to the Secretary, together with its own recommendations and supporting information respecting the factors hereinbefore enumerated.

3. Delete the provisions in paragraph (c) of section 4 of the marketing agreement and in paragraph (c) of § 933.4 of the order and substitute therefor the following:

(c) *Regulation by the Secretary.* Whenever the Secretary shall find from

the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety to particular grades and sizes would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods, and any such regulation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitation applicable to shipments of the same variety grown in Regulation Area I. Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of Florida: *Provided*, That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

Filed at Washington, D. C. this 22d day of July 1947.

[SEAL]

E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-7024; Filed, July 25, 1947;
8:47 a. m.]

NOTICES

TREASURY DEPARTMENT

Fiscal Service: Bureau of the Public Debt

[1947 Dept. Circ. 810]

7% PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES G-1948

OFFERING OF CERTIFICATES

JULY 21, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated 7% percent Treasury Certificates of Indebtedness of Series G-1948, in exchange for Treasury Certificates of Indebtedness of Series G-1947, maturing August 1, 1947.

II. *Description of certificates.* 1. The certificates will be dated August 1, 1947, and will bear interest from that date at the rate of 7% percent per annum, payable with the principal at maturity on July 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes

now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks

and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before August 1, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series G-1947, maturing August 1, 1947, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions al-

NOTICES

lotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 47-7027; Filed, July 25, 1947;
9:01 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 618, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. P. 11981.

[Vesting Order 9337]

ALFRED PARTELLO VON HORST

In re: Bank account, bonds, coupons and a fractional certificate owned by Alfred Partello Von Horst, also known as Alfred Von Horst, F-28-12542-A-1 and F-28-12542-E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Partello Von Horst, also known as Alfred Von Horst, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Alfred Partello Von Horst, also known as Alfred Von Horst, by Union Trust Company of the District of Columbia, 15th & H Streets, N.W., Washington 5, D. C., arising out of a Custodianship Account, entitled Alfred Partello Von Horst, and any and all rights to demand, enforce and collect the same,

b. Five (5) United States of Brazil 5%, 20 year Funding Bonds of \$365.00 aggregate face value, bearing the numbers C82800, C82801 and C82802 of \$100.00 face value each; BX17646 and BX17647 of \$32.50 face value each, and presently in the custody of Union Trust Company of the District of Columbia, 15th & H Streets, N.W., Washington 5, D. C., together with any and all rights thereunder and thereto,

c. One (1) Fractional Certificate for United States of Brazil 5%, 20 year Funding Bonds, of \$25.00 face value, bearing the number G28060, and presently in the custody of Union Trust Company of the District of Columbia, 15th & H Streets, N.W., Washington 5, D. C., together with any and all rights thereunder and thereto, and

d. Forty (40) Coupons of \$35.00 face value each, detached from bonds of the German Reich, as set forth below:

Eight (8) coupons from bond C086168.
Eight (8) coupons from bond C086169.
Eight (8) coupons from bond C086170.

Eight (8) coupons from bond C086171.
Eight (8) coupons from bond C086172.
and presently in the custody of Union Trust Company of the District of Columbia, 15th & H Streets N. W., Washington 5, D. C., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 47-7030; Filed, July 25, 1947;
9:01 a. m.]

[Vesting Order 9338]

PRISCA VON LIERES UND WILKAU

In re: Stock and bonds owned by Prisca von Lieres und Wilkau. F-28-373-A-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Prisca von Lieres und Wilkau, whose last known address is Alt Rosenberg, Upper Silesia, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Four (4) shares of 5% cumulative preferred capital stock of Missouri Pacific Railroad Company, Missouri Pacific Bldg. St. Louis 3, Missouri, a corporation organized under the laws of the State of Missouri, evidenced by Certificate Numbered 070924, registered in the name of and presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon.

b. Fifty (50) shares of capital stock of Consolidated Paper Corporation Limited, Montreal, Canada, a corporation organized under the laws of Canada, evidenced by Certificates Numbered F62732, F61662 and X13658, for 5, 20 and 25 shares, respectively, registered in the name of and presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon, and

c. Five (5) City of Copenhagen, Denmark, 25 year, 4½% gold bonds, due May 1, 1953 M/N, each of \$1,000,000 face value, bearing the numbers M7045, M7046, M7049, M7050 and M7051, and presently in the custody of Dominick & Dominick, 14 Wall Street, New York 5, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Prisca von Lieres und Wilkau, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 8, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,
Director, Office of Alien Property.*

[F. R. Doc. 47-7031; Filed, July 25, 1947;
9:01 a. m.]

[Vesting Order 9376]

TORI YASUI

In re: Stock owned by and debts owing to Tori Yasui. F-39-758-E-1, F-39-758-C-1, F-39-758-D-1/5.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tori Yasui, whose last known address is 201 Ozato-Machi, Honmoku,

Yokohama, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Fifty (50) shares of \$100.00 par value 7% preferred cumulative capital stock of Northern States Power Company, 231 So. La Salle Street, Chicago 4, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 76980, 7636, 3839, and 29587, for 25, 12, 7 and 6 shares respectively, dated 6/9/24, 1/22/25, 3/7/27 and 12/29/32 respectively, and registered in the name of Mrs. Tori Yasui, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation owing to Tori Yasui, by Northern States Power Company, 231 So. La Salle Street, Chicago 4, Illinois, in the amount of \$1,172.53, as of 5/27/47, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same;

c. Twenty-one (21) shares of \$10.00 par value common capital stock of Republic Insurance Company, Dallas, Texas, a corporation organized under the laws of the State of Texas, evidenced by certificate numbered 4237, and registered in the name of Mrs. Tori Yasui, together with all declared and unpaid dividends thereon.

d. Those certain debts or other obligations owing to Tori Yasui by Republic Insurance Company, Dallas, Texas, evidenced by checks issued by the Dallas National Bank, 1528 Main Street, Dallas 1, Texas, to Mrs. Tori Yasui, said checks being numbered, dated and in the amounts set forth in Exhibit A, attached hereto and by reference made a part hereof, and presently in the custody of the aforesaid Dallas National Bank, and any and all rights to demand, enforce and collect the aforementioned debts or other obligations, and any and all rights in, to and under the aforementioned checks.

e. Six (6) shares of \$5.00 par value common capital stock of Allied Finance Company, 2110 Bryan St., Dallas, Texas, a corporation organized under the laws of the State of Texas, evidenced by certificates numbered 2824 and 3894 for 5 and 1 shares, respectively, and registered in the name of Mrs. Tori Yasui, together with all declared and unpaid dividends thereon.

f. Those certain debts or other obligations owing to Tori Yasui by the Allied Finance Company, Dallas, Texas, evidenced by checks issued by the Allied Finance Company and drawn on the Dallas National Bank, 1528 Main Street, Dallas, Texas, payable to Mrs. Tori Yasui, said checks being numbered, dated and in the amounts set forth in Exhibit B, attached hereto and by reference made a part hereof, and presently in the custody of the aforesaid Dallas National Bank, and any and all rights to demand, enforce and collect the aforementioned debts or other obligations, and any and all rights in, to, and under the aforementioned checks.

g. One hundred (100) shares of no par value common capital stock of Standard

Brands Incorporated, 595 Madison Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 35118, and registered in the name of Mrs. Tori Yasui, together with all declared and unpaid dividends thereon, and

h. Forty (40) shares of \$5.00 par value common capital stock of Warner Bros. Pictures, Inc., 321 W. 44th Street, New York 18, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered E-21788, and registered in the name of Mrs. Tori Yasui, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 10, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Check No.	Date	Amount
89997	8-25-41	\$5.26
93595	11-25-41	4.57
97161	2-25-42	4.57
100700	5-25-42	4.57
104248	8-25-42	4.57
107792	11-25-42	4.41
111332	2-25-43	4.41
114858	5-25-43	4.41
118368	8-25-43	4.41
121883	11-26-43	4.41
125366	2-25-44	4.41
128833	5-25-44	4.41
132281	8-25-44	4.41
135704	11-25-44	4.41
139101	2-26-45	4.41
142447	5-25-45	4.41
145779	8-25-45	4.41
149086	11-26-45	4.41
152358	2-26-46	4.41
155620	5-25-46	4.41
158849	8-24-46	4.41
162035	11-25-46	4.41
165205	2-25-47	4.41
168355	5-24-47	4.41

EXHIBIT B

Check number	Date	Amount
12521	11-25-42	\$1.20
15047	11-25-43	.84
17503	5-25-44	.84
19911	11-25-44	.84
22241	5-25-45	.84
23179	11-26-45	.84
26724	5-25-46	.84
28900	11-25-46	.84
31024	5-24-47	.84

[F. R. Doc. 47-7032; Filed, July 25, 1947;
9:01 a. m.]

[Vesting Order 9382]

AUGUSTE ROESLER

In re: Trust u/w of Auguste Roesler, deceased. File No. D-28-11506; E. T. sec. 15750.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alice Schnubel and Laurentz Koehler, whose last known address is Germany, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the trust u/w of Auguste Roesler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Walter Roesler, as Executor and Trustee, acting under the judicial supervision of the Surrogate's Court, County of Nassau, State of New York;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7032; Filed, July 25, 1947;
9:02 a. m.]

NOTICES

[Vesting Order 9380]

HERMAN E. A. HECHLER

In re: Trust under the will of Herman E. A. Hechler, deceased. File No. D-28-10533; E. T. sec. 15635.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorette Kanning, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the trust under the will of Herman E. A. Hechler, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by The Leonia Bank and Trust Company and John H. Hechler, as Trustees, acting under the judicial supervision of the Bergen County Orphans' Court, Bergen County Courthouse, Hackensack, New Jersey;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 14, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7003; Filed, July 24, 1947;
8:49 a. m.]

[Vesting Order 9408]

AUTOMOBILES OWNED BY GERMANY

In re: Three (3) automobiles owned by Germany.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows:

One (1) 1938 Buick Sedan, Serial No. 13333234, Engine No. 6-3435072, Title No. A-34903.

One (1) 1941 Buick Sedan, Serial No. 34134516, Engine No. 54327678, Title No. A-34904.

One (1) 1939 Ford Station Wagon, Engine No. 18-5059415, Title No. A-33671.

formerly under the protection of the Legation of Switzerland for the former German Government and presently in the custody of the Department of State, Washington, D. C.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany);

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 16, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7036; Filed, July 25, 1947;
9:02 a. m.]

AMALIE FRESE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Amalie Frese, Bronx, N. Y., 5619; \$874.69 in the Treasury of the United States.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7038; Filed, July 25, 1947;
9:02 a. m.]

ANEMOSTAT CORP. OF AMERICA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Anemostat Corporation of America, New York, N. Y., A-404; property described in Vesting Order No. 201 (8 Fed. Reg. 625 January 16, 1943) relating to United States Letters Patent No. 1,982,747, to the extent owned by claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7041; Filed, July 25, 1947;
9:03 a. m.]

DAVID JONA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

David Jona, Cambridge, Mass., 1982; A one-fourth undivided interest in property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to United States Letters Patent No. 2,209,481, to the extent owned by claimant immediately prior to the vesting thereof.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 47-7039; Filed, July 25, 1947;
9:02 a. m.]

GEORGES JOSEPH CHRISTIAN SIMENON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following

property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Georges Joseph Christian Simenon, Bradenton Beach, Fla., 4384; Property described in Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944; 9 F. R. 13768, November 17, 1944), relating but not limited to the literary works "The Patience of Maigret", "Maigret Travels South", "Maigret Abroad", "Maigret to the Rescue", "Maigret Keeps a Rendezvous", "Maigret Sets It Out", "Maigret and M. Labbe", and "Tropic Moon", to the extent owned by claimant immediately prior to the vesting thereof, including royalties in the amount of \$8,483.79.

Executed at Washington, D. C., on July 23, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant, Attorney General.
Director, Office of Alien Property.

[F. R. Doc. 47-7040; Filed, July 25, 1947;
9:02 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1906]

ALL AMERICAN AVIATION, INC.; MAIL RATE
FOR ROUTE NO. 49

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therewith, and the services connected therewith, of All American Aviation, Inc., over its route No. 49.

Notice is hereby given that the hearing in the above-entitled proceeding, now assigned for July 28, 1947, is postponed to August 11, 1947, at 10:00 a. m. (eastern daylight saving time) in Conference Room C, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D. C.

Dated at Washington, D. C., July 23, 1947.

[SEAL] RALPH L. WISER,
Examiner.

[F. R. Doc. 47-7029; Filed, July 25, 1947;
9:01 a. m.]

**FEDERAL FARM MORTGAGE
CORPORATION**

[Surplus Property Transfer Order 5]

SUMTER NATIONAL FOREST,
SOUTH CAROLINA

**TRANSFER OF JURISDICTION OF
SURPLUS LANDS**

Transferring jurisdiction of surplus lands within the Sumter National Forest, South Carolina, to the Forest Service pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended.

Whereas, the following tracts of land owned by the United States of America and situated in Cross Keys and Union Townships, Union County, South Caro-

lina, within the Sumter National Forest, have been declared surplus pursuant to the provisions of the Surplus Property Act of 1944 (58 Stat. 765), as amended:

Title to the following tracts having been acquired in proceedings in condemnation in the suit entitled *United States of America vs. 916.72 acres of land in Union County, South Carolina, A. H. Chumley, et al.*, Civil Action No. 384.

(1) A. H. Chumley tract No. 1 containing 101.19 acres, more or less, and more particularly described in judgment entered March 12, 1943 and recorded March 17, 1943 in Deed Book 73, page 134, in the Office of Clerk of Court, Union County, South Carolina.

(2) George T. Kellar tract No. 2 containing 30.38 acres, more or less, and more particularly described in judgment entered March 15, 1943 and recorded March 17, 1943 in Deed Book 73, page 136, in the Office of Clerk of Court, Union County, South Carolina.

(3) C. W. Kirven tract No. 3 containing 91.09 acres, more or less, and more particularly described in judgment entered March 5, 1943 and recorded March 10, 1943 in Deed Book 73, pages 128 and 129, in the Office of Clerk of Court, Union County, South Carolina.

(4) W. T. Humphries tract No. 4 containing 105.71 acres, more or less, and more particularly described in judgment entered March 12, 1943 and recorded March 17, 1943 in Deed Book 73, page 137, in the Office of Clerk of Court, Union County, South Carolina.

(5) Oscar Ward tract No. 5 containing 26 acres, more or less, and more particularly described in judgment entered March 5, 1943 and recorded March 10, 1943 in Deed Book 73, pages 126 and 127, in the Office of Clerk of Court, Union County, South Carolina.

(6) Russell Browning tract No. 7 containing 143.37 acres, more or less, and more particularly described in judgment entered June 24, 1943 and recorded July 7, 1943 in Deed Book 73, page 157, in the Office of Clerk of Court, Union County, South Carolina.

(7) Cecil Burnett tract No. 12 containing 11.24 acres, more or less, and more particularly described in judgment entered March 16, 1943 and recorded March 17, 1943 in Deed Book 73, page 133, in the Office of Clerk of Court, Union County, South Carolina; and Order of Court amending description in original judgment, filed July 9, 1943 and recorded July 10, 1943 in Deed Book 73, page 165, in the Office of Clerk of Court, Union County, South Carolina.

(8) Charlie Jones, et al. tract No. 15 containing 174.88 acres, more or less, and more particularly described in judgment entered July 30, 1943 and recorded August 3, 1943 in Deed Book 73, pages 169 and 170, in the Office of Clerk of Court, Union County, South Carolina.

(9) Rufus T. Holcomb tract No. 17 containing 91.1 acres, more or less, and more particularly described in judgment entered March 8, 1943 and recorded March 10, 1943 in Deed Book 73, pages 124 and 125, in the Office of Clerk of Court, Union County, South Carolina.

(10) Emma M. Whitener tract No. 19 containing 4.3 acres, more or less, and more particularly described in judgment entered June 22, 1943 and recorded July 7, 1943 in Deed Book 73, page 158, in the Office of Clerk of Court, Union County, South Carolina.

(11) Emma M. Whitener tract No. 19-A containing 14.47 acres, more or less, and more particularly described in judgment entered February 13, 1943 and recorded March 10, 1943 in Deed Book 73, pages 131 and 132, in the Office of Clerk of Court, Union County, South Carolina.

(12) Rachel Ann Holcomb tract No. 20 containing 6.52 acres, more or less, and more particularly described in judgment entered

March 8, 1943 and recorded March 10, 1943 in Deed Book 73, page 123, in the Office of Clerk of Court, Union County, South Carolina; and Order of Court amending description in original judgment, filed May 12, 1943 and recorded May 18, 1943 in Deed Book 73, page 149, in the Office of Clerk of Court, Union County, South Carolina.

(13) M. S. Speals tract No. 22 containing 116.47 acres, more or less, and more particularly described in judgment entered March 8, 1943 and recorded March 10, 1943 in Deed Book 73, pages 130 and 131, in the Office of Clerk of Court, Union County, South Carolina.

Title to the following tracts having been acquired in proceedings in condemnation in the suit entitled *United States of America vs. 556.58 acres of land in Union County, South Carolina, Chame Rice, et al.*, Civil Action No. 393.

(14) Chame Rice tract No. 6 containing 92.08 acres, more or less, and more particularly described in judgment entered March 5, 1943 and recorded March 10, 1943 in Deed Book 73, pages 121 and 122, in the Office of Clerk of Court, Union County, South Carolina.

(15) George W. Going, Jr. tract No. 23 containing 464.51 acres, more or less, and more particularly described in judgment entered June 24, 1943 and recorded July 7, 1943 in Deed Book 73, page 161, in the Office of Clerk of Court, Union County, South Carolina.

Title to the following tracts having been acquired in proceedings in condemnation in the suit entitled *United States of America vs. 366.58 acres of land in Union County, South Carolina, J. F. Burnett, et al.*, Civil Action No. 394.

(16) J. F. Burnett tract No. 10 containing 112.03 acres, more or less, and more particularly described in judgment entered April 15, 1943 and recorded April 20, 1943 in Deed Book 73, page 143, in the Office of Clerk of Court, Union County, South Carolina.

(17) J. F. Burnett tract No. 11 containing 131.20 acres, more or less, and more particularly described in judgment entered April 15, 1943 and recorded April 20, 1943 in Deed Book 73, page 143, in the Office of Clerk of Court, Union County, South Carolina.

(18) Inez B. Matthews tract No. 13 containing 59.32 acres, more or less, and more particularly described in judgment entered March 5, 1943 and recorded April 9, 1943 in Deed Book 73, page 142, in the Office of Clerk of Court, Union County, South Carolina.

(19) Edward L. Johnson tract No. 14 containing 6.28 acres, more or less, and more particularly described in judgment entered June 23, 1943 and recorded July 7, 1943 in Deed Book 73, page 160, in the Office of Clerk of Court, Union County, South Carolina.

(20) New Chapel Methodist Church tract No. 18 containing 2 acres, more or less, and more particularly described in judgment entered July 2, 1943 and recorded July 7, 1943 in Deed Book 73, page 162, in the Office of Clerk of Court, Union County, South Carolina.

(21) Charlie Giles tract No. 21 containing 55.75 acres, more or less, and more particularly described in judgment entered July 9, 1943 and recorded July 10, 1943 in Deed Book 73, pages 166 and 167, in the Office of Clerk of Court, Union County, South Carolina.

Containing in all 1,839.89 acres of land, more or less.

The lands hereby transferred are subject to:

Existing easements for public roads and highways, public utilities, railroads, and pipe lines.

Whereas, the Forest Service is desirous of acquiring administrative control and jurisdiction over the above described lands for administration as a part of the Sumter National Forest and the acqui-

NOTICES

sition has been approved by the National Forest Reservation Commission; and

Whereas, the Forest Service has caused the sum of \$16,745.00, which is the fair value of the lands, to be covered into the Treasury of the United States for deposit to the credit of the Federal Farm Mortgage Corporation from funds appropriated by the Congress for the acquisition of lands under the provisions of the Act of March 1, 1941 (36 Stat. 961), as amended;

Now, therefore, the Federal Farm Mortgage Corporation, pursuant to the authority vested in it in the disposal of surplus agricultural or forest property, by virtue of delegations of authority issued pursuant to the provisions of the aforementioned Act of 1941, does hereby transfer the aforesaid lands to the Forest Service as of this date.

In witness whereof, the Federal Farm Mortgage Corporation has, on this 8th day of July 1947, caused these presents to be duly executed for and in its name and behalf and the seal of the said corporation to be hereunto affixed.

FEDERAL FARM MORTGAGE CORPORATION,

[SEAL] By B. S. BURCH,
Vice President.

Attest:

W. O. McGIBONY,
Assistant Secretary.

[F. R. Doc. 47-7042; Filed, July 25, 1947;
8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-898]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed May 16, 1947, and the supplement thereto filed on June 26, 1947, by Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, (a) for a certificate of public convenience and necessity authorizing the construction and operation of certain natural-gas transmission facilities, and (b) for approval of abandonment of a certain portion of Applicant's facilities, both pursuant to section 7 of the Natural Gas Act, as amended, and all as fully described in such application, public notice thereof having been published in the *FEDERAL REGISTER* on June 10, 1947 (12 F. R. 3785-86).

It appearing to the Commission that:

(a) Temporary authorization to construct and operate the facilities described in said application as Facility No. 2 and Facility No. 3 was granted by the Commission on July 12, 1947.

(b) The issues presented by the said application and supplement in addition to the usual issues in Certificate cases, will include the following:

(i) Whether (a) Oklahoma Natural Gas Company in fulfilling its obligations under the contract of April 4, 1947, with Applicant (Exhibit 2 to the Application) will be engaged in operations subject to the jurisdiction of the Commission, (b) whether such operations, if subject to the Commission's jurisdiction, should be

exempted from the requirements of section 7 (c) of the Natural Gas Act, as amended, and (c) the effect upon Applicant's proposal if such exemption is denied.

(ii) Whether the public interest will be served by the proposed change in gas service to the Town of Paden, Oklahoma.

(iii) Whether the construction of Facility No. 1 would be needed by Applicant and required by the public convenience and necessity if the supply from the Maysville, Oklahoma, area is not obtained.

(c) For a more detailed statement of facts and law asserted, interested persons may refer to said application and supplement and other pleadings filed in this docket, which may be inspected at the offices of the Federal Power Commission, Washington, D. C.

The Commission orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held commencing on the 6th day of August, 1947, at 10:00 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by such applications, and other pleadings filed herein.

(B) Interested State commissions may participate as provided by Rules 8 and 7 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 22, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7015; Filed, July 25, 1947;
9:00 a. m.]

[Docket No. G-909]

PENNSYLVANIA GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed June 12, 1947, in Docket No. G-909, by Pennsylvania Gas Company (Applicant), a Pennsylvania corporation with its principal place of business at Warren, Pennsylvania, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas pipe-line facilities, as fully described in the application, which is on file with the Commission, and open to public inspection, public notice thereof having been published in the *FEDERAL REGISTER* on July 19, 1947 (12 F. R. 4835).

It appearing to the Commission that this proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been

procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application. The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 6, 1947, at 9:30 a. m. (e. d. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however,* That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State commissions may participate as provided by Rules 8 and 7 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 23, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7016; Filed, July 25, 1947;
9:00 a. m.]

[Docket No. G-920]

IROQUOIS GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed June 30, 1947, by Iroquois Gas Corporation (Applicant), a New York corporation having its principal place of business at Buffalo, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain additional natural gas facilities as fully described in such application on file with the Commission and open to public inspection, public notice thereof having been published in the *FEDERAL REGISTER* on July 19, 1947 (12 F. R. 4835);

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946). Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been

filed subsequent to the giving of due notice of the filing of the application.

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 4, 1947, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW, Washington, D. C., concerning the matters of fact and law asserted in the application filed in this proceeding: *Provided, however,* That if no request to be heard, or protest, or petition to intervene, raising in the judgment of the Commission, an issue of substance, has been filed or allowed, the Commission may, after such hearing, forthwith dispose of the proceeding by order upon consideration of the application and the evidence filed therewith and incorporated in the record of the hearing, together with such additional evidence as may be available or as the Commission may require to be filed and incorporated in the record for its consideration.

(B) Interested State Commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure (effective September 11, 1946).

Date of issuance: July 22, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-7017; Filed, July 25, 1947;
9:00 a. m.]

tive at the close of the trading session on August 1, 1947.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 47-7021; Filed, July 25, 1947;
8:46 a. m.]

[File No. 7-996]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of July A. D. 1947.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, \$5.00 Par Value, of General Public Utilities Corporation, a security listed and registered on the New York Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Philadelphia, Pennsylvania.

Notice is hereby given that, upon request of any interested person received prior to August 21, 1947, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Philadelphia, Pennsylvania. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 47-7022; Filed, July 25, 1947;
8:46 a. m.]

[File No. 70-1565]

OKLAHOMA POWER AND WATER CO. AND MIDDLE WEST CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of July A. D. 1947.

Notice is hereby given that The Middle West Corporation, a registered holding company, and Oklahoma Power and Water Co. ("Oklahoma Power"), a subsidiary of Middle West, have filed a joint declaration pursuant to the Public Utility

Holding Company Act of 1935 ("act"). Said declaration designates section 12 (d) of the act and Rule U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 4, 1947 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after August 4, 1947 said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Oklahoma Power proposes to sell to Oklahoma Natural Gas Company, a non-affiliated company, the gas utility properties of Oklahoma Power, all of which are located in the counties of Osage, Tulsa, and Pawnee, State of Oklahoma, for a base purchase price of \$850,000 payable in cash, subject to closing adjustments.

Oklahoma Power proposes to use the proceeds of the proposed sale to prepay \$850,000 principal amount of its Bank Loan Notes now outstanding in the aggregate principal amount of \$2,775,000. Such notes are secured, dollar for dollar, by a like principal amount of First Mortgage Four Percent Bonds, Series D, of Oklahoma Power. The notes prepaid, and a like principal amount of bonds securing such notes, are to be cancelled and retired.

Declarants state that no commission other than this Commission has jurisdiction over the transactions proposed by Oklahoma Power and that they have been informed that no commission has jurisdiction over the proposed purchase by Oklahoma Natural Gas Company. Oklahoma Natural Gas Company is neither a registered holding company nor a subsidiary of a registered holding company.

Declarants have requested that the Commission's order permitting said declaration to become effective conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, as amended, insofar as such sections are applicable and that said order be issued as soon as practicable and become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBois,
Secretary.

[F. R. Doc. 47-7019; Filed, July 25, 1947;
8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2440]

CITY OF GREATER PRAGUE (CZECHOSLOVAKIA)

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of July A. D. 1947

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, having made application to strike from listing and registration the 7½% Mortgage Loan Bonds of 1922, due May 1, 1952, issued by the City of Greater Prague, Czechoslovakia;

Appropriate notice and opportunity for hearing having been given to interested persons and the public generally;

No request having been received from any interested person for a hearing in this matter; and

The Commission having duly considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effec-

NOTICES

[File No. 70-1568]

MINNEAPOLIS GAS LIGHT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of July A. D. 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Minneapolis Gas Light Company ("Minneapolis"), a public utility subsidiary of American Gas & Power Company ("American"), a registered holding company. Declarant designates sections 6 (a) and 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 4, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Minneapolis proposes to borrow from banks located in Minneapolis, Minnesota, during the balance of the year 1947, the sum of \$1,000,000 on delivery of its promissory notes as follows:

Payable to	Dated	Due	Interest rate	Amount
Northwestern National Bank	8-1-47	8-1-48	Percent 2	\$250,000
First National Bank	8-1-47	8-1-48	2	250,000
Northwestern National Bank	10-1-47	10-1-48	2	250,000
First National Bank	10-1-47	10-1-48	2	250,000

Under the banks' commitment, the company is to agree that if it sells new securities (except to refund outstanding securities) or borrows additional money, it will apply the proceeds therefrom to the payment of said notes and other indebtedness to the two banks, which in each case consists of a promissory note in the principal amount of \$350,000 dated June 20, 1947, maturing nine months thereafter. The banks agree to renew any balance of the proposed loan owing at the maturity date of the respective notes for an additional twelve months. The rate of interest on any renewal of the loan is to be negotiated at the time of such renewal.

Minneapolis states that it is in process of converting its gas utility system to the

distribution of 100% natural gas instead of the present mixed gas. The total cost of conversion is estimated by the company to be approximately \$800,000 of which \$170,000 has been expended up to May 31, 1947, leaving an estimated \$630,000 to be expended during the last seven months of 1947. In addition thereto, the company estimates that its construction program for 1947 will require the expenditure of approximately \$2,150,000, of which \$1,500,000 will be expended during the last seven months of this year. The declarant states that it is unable to finance its construction program by means of long term financing pending final consummation of the Plan of Simplification and Integration of Community Gas and Power Company, American Gas and Power Company, et al., under section 11 (e) of the act and therefore must rely on short term borrowing.

The said plan relates to the dissolution of Community Gas and Power Company, a registered holding company and parent company of American, and the merger of Minneapolis into American (which will then change its name to Minneapolis Gas Company) which was approved by the Commission on April 10, 1946 and January 14, 1947, (Holding Company Act Releases Nos. 6541 and 7131) and by the District Court of the United States for the District of Delaware by order entered on April 24, 1947. An appeal taken from the order of the District Court is now pending before the United States Circuit Court of Appeals for the Third Circuit.

The declarant states that no state commission has jurisdiction over the proposed transactions and requests that the Commission's order to be issued herein become effective forthwith in view of its urgent need of the funds to be obtained from the proposed financing.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 47-7020; Filed, July 25, 1947;
8:46 a. m.]

[File No. 811-364]

INSURANSHARES CORP. OF DELAWARE

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 22d day of July A. D. 1947.

Notice is hereby given that Insuranshares Corporation of Delaware (Insuranshares) has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission declaring that Insuranshares has ceased to be an investment company within the meaning of the act, or, in the alternative, if the Commission shall refuse to make such an order, for an order pursuant to section 6 (c) of the act exempting Insuranshares (1) from the provisions of section 30 (a) of the act and Rule N-30A-1 promulgated thereunder insofar as such section and rule require the filing of annual reports with the Commission, (2) from the provisions of section 30 (b) of the act and Rule N-30B1-1 promulgated thereunder insofar as such section and rule require

the filing of quarterly reports with the Commission, and (3) from the provisions of section 30 (d) of the act and Rule N-30D-1 promulgated thereunder insofar as such section and rule require the transmission to stockholders and filing with the Commission of semiannual reports to stockholders (although Insuranshares will continue to transmit and file annual reports pursuant to said section and rule).

It appears from this application that the directors and stockholders of Insuranshares have duly voted to dissolve the Corporation pursuant to section 39 of the General Corporation Law of the State of Delaware as then in force; that a certificate of dissolution was duly issued by the Secretary of State of the State of Delaware on February 20, 1947 and an affidavit showing publication of such certificate was filed in said office on February 24, 1947; that at February 24, 1947 Insuranshares possessed assets aggregating \$545,345 of which \$362,935 was in cash and \$181,614 was in Government bonds and corporate securities at market values; that Insuranshares declared a first liquidating dividend payable April 14, 1947 of \$280,180 or \$1.50 per share upon the 186,787 shares outstanding, gave notice thereof in writing to shareholders, and as at June 10, 1947, had paid \$232,394 on account thereof; that in the opinion of Insuranshares a liberal estimate of all further ordinary and all liquidation expenses is \$28,018; that there is no litigation against Insuranshares or any of the officers pending in any court; and that liquidation of the assets of Insuranshares has substantially progressed, will not be complicated, and will not involve any delay other than ascertainment and payment of tax obligations.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission in Philadelphia, Pennsylvania.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as the Commission may see fit to impose, may be issued by the Commission at any time after August 5, 1947 unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than July 31, 1947 at 5:30 p. m., in writing submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 18th & Locust Streets, Philadelphia 3, Pennsylvania, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBoIS,
Secretary.

[F. R. Doc. 47-7023; Filed, July 25, 1947;
8:46 a. m.]